JOURNAL

OF THE

House of Representatives

OF THE

COMMONWEALTH OF KENTUCKY

Regular Session of 1954

VOL. III

Held in the State Capitol, in the Capital City of Kentucky, at Frankfort, in the Year of Our Lord 1954 and in the One Hundred and Sixty-Second Year of the Commonwealth

---

Begun on the Fifth Day of January, 1954, and Adjourned Sine Die on the Nineteenth Day of March, 1954

PROPERTY OF THE COMMONWEALTH OF KENTUCKY

DUNNE PRESS
PRINTERS TO THE COMMONWEALTH OF KENTUCKY
LOUISVILLE, KENTUCKY

WEDNESDAY, FEBRUARY 24, 1954

Section 3. An election of such additional judge shall be held at the regular election to be held on Tuesday next after the first Monday in November, 1954, and, after qualifying, as provided by law, the judge so elected shall enter upon the duties of the office at such time as is provided in Section 152 of the Constitution, and continue in office until his successor shall have been elected and qualified.

Section 4. The Judge so elected shall be commissioned by the Governor as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District.

Section 5. At the regular election to be held on the first Tuesday after the first Monday in November, 1957, and every six years thereafter, such additional judge shall be elected, as other circuit court judges are elected, and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

With Senate Amendment by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That one additional judge of the circuit court for the Seventeenth Circuit Court District is hereby authorized and added to said court.

Section 2. (1) Within ninety days after this Act shall have become operative, the Governor shall appoint a person having the qualifications of a circuit judge to preside over the Common Law and Equity Division of the Seventeenth Circuit Court District, who, when appointed, shall be commissioned by the Governor

as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until the first Monday in January, 1956, and until his successor is elected, and shall have qualified.

(2) At the regular election to be held on the first Tuesday after the first Monday in November, 1955, and every six years thereafter, such additional judge shall be elected, as other circuit court judges are required to be elected, and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

Section 3. The court in the Seventeenth Circuit Court District shall be held in continuous session and the business therein shall be conducted in the manner now provided by law for other circuit courts of continuous session having two judges.

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 15.

Said motion was agreed to.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Wallace Bartley	Leo A. Bleemel
Walter J. Bailey	Charles E. Baumgardner, Sr.	J. Murray Blue
Clarence J. Barnum	Owen Billington	Edward T. Breathitt, Jr.

Edward O. Bridgers	William L. Jones	Louis T. Peniston
Cassius M. Clay	Jennings H. Kearby	Roger E. Qualls
Paul Cobb	Talmage Lacy	Paul T. Ratcliffe
William J. Conley	George H. Lovelace	Hobart Rayburn
R. Josh Cosby	Harry King Lowman	L. M. Tipton Reed
Vernor O. Cottengim	Shelby McCallum	Robert Reid
Charles W. Craig	Ralph E. McClanahan	Russell Reynolds
W. Marvin Davis	Caleb McFadden	Lloyd E. Rogers
John L. Day	William E. Maglinger	Joe Rouse
James A. Dressman, Jr.	Damon Majors	E. H. Stumbo
Harold Edmonds	William C. Mann	James Treadway
Addison L. Everett	George R. Martin	W. W. Webster
Thomas P. Fitzpatrick	Carl D. Melton	Morris Weintraub
Cabell D. Francis	Alton B. Mitchell	Hicks Wells
David Heskamp	Tom Mobley	William B. Wells
Henry R. Heyburn	Robert K. Montgomery	Warren D. Williams
Lon C. Hill	Walter R. Moorman	T. D. Winstead
Estill R. Hilton	Fred Morgan	Charles W. Wirsch
Chester J. Holsclaw	Thomas J. Murphy	Walker H. Wiseman
Varna Holt	Foster Ockerman	Dr. Clyde D. Wooton
William M. Horn		Paul E. Young

—71

Those who voted in the negative were—

John Rhea Banton	Charles W. Buchanan

—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 184. AN ACT to amend and re-enact KRS 64.620 relating to fees of court commissioners and receivers.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 64.260 is amended and re-enacted to read as follows:

(1) The fees of court commissioners and receivers for the following services shall be as follows:

To a commissioner for allotting dower or settling an account, per day, not to exceed ---------- $15.00

To a commissioner in a county containing a city of the first class for dividing land or appraising damage for rights-of-way, a reasonable sum to be fixed by the court.

To a commissioner in a county not containing a city of the first class for dividing land or appraising damage for rights-of-way, per day, not to exceed ---------- 15.00

To a commissioner for making a deed ---------- 2.25

To master commissioner or receiver, where the amount is not agreed upon by the parties, for each day they are actually engaged ---------- 4.50

For selling land or personal property:

Where the amount of the sales does not exceed $2,000 --- 11.25

Where the sale amounts to more than $2,000, but does not exceed $5,000 ---------- 15.00

Where the sale amounts to more than $5,000, but does not exceed $10,000 ---------- 22.50

Where the sale exceeds $10,000 ---------- 37.50

Where the officer goes out of the county to make the sale he shall be allowed his actual expenses and $7.50 per day in addition to the fees.

Where more than one tract of land is sold under the same decree, the court may allow not exceeding $7.50 for each additional tract sold.

If a sale is set aside because of the fault of the officer making the sale, he shall not receive any compensation for his services connected with the sale.

For receiving and paying out money under an order of court:

Where the amount is more than $1,000, but does not exceed $2,000, 2% on the first $1,000 and 2% on the excess.

Where the amount is more than $2,000, but does not exceed $5,000, 2% on the first $2,000 and 1.5% on the excess.

Where the amount is over $5,000, he shall receive fees on on the first $5,000 as above provided, and 1% on the remainder, not to exceed a total of $250, for such receipts and payments.

(2) If the commissioner needs, for the proper conduct of his office, a deputy, and he and his deputy or deputies are constantly employed in the discharge of their duties, the court may allow him, for reports and other services rendered under order of court, such fees as the court prescribes.

(3) Fees and allowances to commissioners and receivers shall, in all cases, be taxed as part of the costs, and may be collected by distress as circuit clerks' fees are collected or on motion of the persons entitled to them by judgment and execution or attachment.

(4) No allowances shall be made to a commissioner or receiver until he has filed in court a written statement under oath of the number of days he has acted. In all cases evidence may be heard for and against an allowance.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
Cabell D. Francis
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Varna Holt
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Louis T. Peniston
Paul T. Ratcliffe
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
E. H. Stumbo
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lambert moved that the rules of the House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Hilton and Mr. Morgan.

H. B. No. 421. AN ACT relating to wages and hours.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of KRS 337. 010 is amended to read as follows:

"As used in KRS 337.510 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public works by contract fairly estimated to cost more than five hundred dollars;

(b) "Contractor" and "Subcontractor" include any superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c) "Locality" means the area where the physical work upon public works is performed, which area shall be of sufficient size to contain the nearest county of a highly industrialized nature in which there is a sufficient number of the particular type of competent laborers, workmen, mechanics, helpers, assistants and apprentices, regularly and gainfully employed as such, as hereafter defined, to adequately perform the public works concerned.

(d) The phrase "competent laborers, workmen, mechanics, helpers, assistants and apprentices" shall include and shall be subdivided, for the purpose of establishing prevailing rates, into the following classifications:

Asbestos

Boilermakers
Helpers

Bricklayers
Marble and stone setters

Carpenters
Pile drivers
Mill wrights
Linoleum layers
Accoustical workers
Skip hoist workers

Cement masons
Journeymen on suspended scaffold

Electricians
Apprentices

Elevator constructors
Helpers

Glaziers
Apprentices

Hodcarriers
Mortar mixer
Mason tender

Laborers
Semi-skilled
Skilled
Spreader box tender
Air tool operator
Vibrator operator
Power driven Georgia buggy
Chain saw
Cement handler

Open and dump sacks
Asphalt raker
Wagon drill operator
Pipe layer
Side rail setter
Powder man
Sand hog and mucker
Sand miner
Caisson worker

Lathers

Marble, Tile and Terrazo helpers
Terrazo and tile floor grinders
Terrazo and tile base grinders

Operating Engineers
Class A Operator
Class B Operator
Class C Operator

Painters
Brush
Spray
Stage and window jack under 6 stories
Extra hazardous
Sand blasting and steam cleaning

Pipefitters
Apprentices

Plasterers
Apprentices

Plumbers
Apprentices

Roofers
Composition
Apprentices

Sheet Metal Workers
Apprentices

Structural Steel Workers
Ironworkers
Reinforcing workers
Structural workers
Ornamental workers
Rigger
Machinery movers
Fence erectors
Sheeters

Truck Drivers
Three tons and under
Over three tons and semi-trailers
Euclid drivers and earth-moving equipment
Low-boys and winch-trucks

(e) "Public authority" means any officer, board or commission of this state, or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, authorized by law to enter into any contract for the construction of public works; and

(f) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or works constructed under contract with this state, or any department or agency thereof, or political subdivision in the state.

By Mr. Morgan.

H. B. No. 422. AN ACT relating to the grazing of livestock on certain public grounds and providing a penalty therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 259.200 of the Kentucky Revised Statutes is amended to read as follows:

No person shall permit any cattle to run or trespass upon any state or national parks, encampment grounds, scout camps, grounds dedicated to religious, educational or recreational purposes or floodwalls erected at public expense.

Section 2. Any person who violates KRS 259.200 shall be fined not less than ten dollars nor more than one hundred dollars, and each head of cattle trespassing shall constitute a separate offense.

By Mr. Ratcliffe.

H. B. No. 423. AN ACT relating to children, and amending subsection (1) of Section 208.010 of the Kentucky Revised Statutes and subsection (2) of Section 208.020 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 208.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 208.010 to 208.590 and 208.990 unless the context otherwise requires:

(1) "Child" means any person who has not reached his seventeenth birthday.

Section 2. Subsection (2) of Section 208.020 of the Kentucky Revised Statutes is amended to read as follows:

Any person who is alleged to have violated or attempted to violate any federal or state law, or municipal ordinance, prior to having reached his seventeenth birthday shall, if proceedings concerning him are instituted prior to his nineteenth birthday, be dealt with as provided in KRS 208.010 to 208.590 for a child; provided, however, that nothing contained in this Act or in Chapter 208 of the Kentucky Revised Statutes shall pertain to children charged with violation of a federal, state or municipal motor vehicle laws.

By Mr. Moorman.

H. B. No. 424. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statute 342.095 is amended to read as follows:

(1) When the injury causes total disability for work, the employer, during such disability, except the first seven days thereof, shall pay the employee a weekly compensation equal to 65 percent of his average weekly earnings, not to exceed twenty-seven dollars nor less than seven dollars per week, such payments to be made during the period of total disability but not longer than ten years after the date of the injury not in any case to exceed a maximum sum of eleven thousand, five hundred dollars. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of ten years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of eleven thousand, five hundred dollars.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes;
(b) The loss of both feet at or above the ankle;
(c) The loss of both hands at or above the wrist;
(d) A similar loss of one hand and one foot;
(e) A similar loss of one hand and one eye;
(f) A similar loss of one foot and one eye;
(g) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg;

(h) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumberation in subsection (2) of this section, is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability. At no event shall compensation for injury to a member exceed the amount of liability for the loss of such member.

By Mr. Wathen.

H. B. No. 425. AN ACT relating to condemnation for underground oil or gas storage fields giving access thereto, and amending Section 278.501 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 278.501 of the Kentucky Revised Statutes is amended to read as follows:

Any corporation, partnership or individual engaged in or proposing to engage in constructing, maintaining or operating oil or gas wells or pipelines for transporting or delivering oil or gas in public service may, if it is unable to contract or agree with the owner, condemn the lands or rights in lands and material or the use and occupation of lands that are necessary for constructing, maintaining, drilling, utilizing, and operating underground oil or gas storage fields and wells giving access thereto and all necessary machinery, equipment, pumping stations, appliances and fixtures, including tanks, telephone lines and other communications facilities, for use in connection therewith, and the necessary rights of ingress and egress to examine, construct, alter, repair, maintain and operate such underground gas storage fields, to drill new wells and utilize existing wells in connection therewith, and remove pipe, casing, equipment and other facilities relating to such underground storage fields and access wells. The proceedings for condemnation shall be as provided in KRS 416.010 to 416.080 or as provided in KRS 416.230 to 416.330 as the condemnor may elect.

By Mr. Maglinger, Mr. Cottengim, Mr. Dressman, Mr. Brown and Mr. Robert Reid.

H. B. No. 426. AN ACT relating to planning and zoning commission in cities of the second class, and amending Section 100.330 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 100.330 of the Kentucky Revised Statutes is hereby amended to read as follows:

The commission shall be composed of four ex officio members, who shall be the mayor and the officer charged with the administration of public works of such city and the county judge and the road engineer of such county or a member of the fiscal court appointed by the county judge if there is no road engineer in such county, and six appointed members, three of whom shall be appointed by the mayor of such city and three of whom shall be appointed by the county judge of such county. The three members apointed by the mayor shall reside within the corporate boundaries of such city. The three members appointed by the county judge shall reside in that portion of the county lying outside of the corporated boundaries of such city. The appointment of members shall be made immediately upon this Act becoming effective. No appointed member shall hold any other public office or position. The terms of office of ex officio members shall correspond to their respective official tenures. The term of office of each of the appointed members shall be three years. Upon the expiration of the term of office ot any appointed member, his successor shall be appointed within five days by the mayor or the county judge, as the case may be. Vacancies occurring otherwise than through expiration of term of office shall be filled for the unexpired term only by the mayor or county judge, as the case may be. The members of the commission shall qualify, before entering upon their duties, by taking the oath of office before the county judge of the county court of such county. An appointed member may be removed by the mayor or county judge, as the case may be, for inefficiency, neglect of duty, malfeasance or improper conduct. The mayor or county judge shall file with the commission a written statement setting forth the reasons for such removal. All members of the commission shall serve without compensation.

By Mr. Lambert.

H. B. No. 427. AN ACT relating to birth certificates, and amending subsection (4) of Section 213.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of Section 213.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

The certificate of birth shall be in the standard form adopted by the United States Census Bureau, except that nothing contained in such certificate shall indicate whether the child is legitimate or illegitimate. All certificates shall be written legibly, in unfading ink. No certificate shall be held to be complete and correct that does not supply all items of information called for therein, or satisfactorily account for their ommission. If a certificate of birth is incomplete, the registrar shall immediately notify the informant, and require him to supply the missing items if they can be obtained.

By Mr. Bartley, Mr. Mann, Mr. Murphy, Mr. Qualls, Mr. Wirsch, Mr. Ratcliffe, Mr. Majors, Mr. Francis, Mr. Cottengim, Mr. Pollitte, Mr. Saylor, Mr. Holt, Mr. Duncan, Mr. McFadden, Mr. Melton and Mr. Marcum, Dr. Clyde Wooton, Mr. Rayburn, Mr. Buchanan, Mr. Craig, Mr. Heyburn, Mr. Conley and Mr. Martin.

H. B. No. 428. AN ACT relating to refunding of excise taxes paid on gasoline, used in tractors or stationary engines operated for agricultural purposes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.344 of the Kentucky Revised Statutes is amended to read as follows:

Any person who shall use any gasoline, other than on public highways, on which the tax as imposed by KRS 138.220 has been paid, for the purpose of operating or propelling stationary gasoline engines or tractors for agricultural purposes, shall be reimbursed to the extent of ninety percent of the tax so paid on such gasoline; provided, however, that no refund shall be authorized unless applications therefor and all necessary information shall be filed with the Department of Revenue within one hun-

dred and eighty days from the date of purchase; and further provided that no refund shall be authorized for purchases of less than fifty gallons at any one time; and further provided that no refund shall be authorized unless the amount due is as much as five dollars.

The effective date of this Act shall be July 1, 1954, and shall apply to gasoline purchased on or after this date.

By Mr. Lambert.

H. B. No. 429. AN ACT relating to flashing lights on motor vehicles, and amending sub-section (6) of Section 189.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (6) of Section 189.040 of the Kentucky Revised Statutes is amended to read as follows:

(6) All wreckers when in use at the scene of a motor vehicle accident shall display at least one red flashing light clearly visible to all vehicles approaching the scene of the accident.

By Mr. Everett and Mr. Buchanan.

H. B. No. 430. AN ACT relating to parental permission for minors under eighteen years of age to play pool, and amending section 436.320 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.320 of the Kentucky Revised Statutes is amended to read as follows:

No person owning or controlling a billiard or pool table shall permit, for compensation or reward, any minor under eighteen years of age to play any game on the table, unless such minor shall have first displayed an identification card containing his name, age, photograph, and the signature of his

parents or guardian. The minor shall keep such identification card on his person, and it shall be subject to inspection at any time by any peace officer. The person owning or controlling such billiard or pool table shall keep and maintain a registration book in which each minor shall sign. The person owning or controlling such billiard or pool table shall supply a blank identification card to each parent or guardian who makes request for same. Any person who violates this Act shall be fined not less than ten nor more than one hundred dollars for each offense.

By Mr. Breathitt.

H. B. No. 431. AN ACT relating to penalties for violations of game and fish laws.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 150.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the commission thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the commission hereunder, for which no definite fine or imprisonment is fixed by this section, shall be fined not less than fifteen dollars nor more than one hundred dollars.

(3) Any person who violates any of the provisions of KRS 150.170, 150.340, 150.360 or 150.380 shall be fined not less than two dollars nor more than one hundred dollars.

(4) (a) Any person who violates any of the provisions of subsection (1) of KRS 150.460 shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than six months, or both.

(b) Any person who violates subsection (2) or subsection

(3) of KRS 150.460 shall be guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one year nor more than three years and shall be fined not more than five hundred dollars.

(5) Any licensee who violates any provisions of this chapter or any regulation adopted by the commission thereunder shall, in addition to the penalties provided in subsections (2), (3) and (4) of this section, forfeit his license.

(6) Any county court clerk who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190 shall be fined not less than one hundred dollars nor more than five hundred dollars.

(7) Any person who violates the provisions of subsection (2) of KRS 150.185 shall be fined not less than fifteen dollars, nor more than one hundred dollars.

(8) Any person who violates any provisions of KRS 150.390 shall be fined not less than one hundred dollars, nor more than one thousand dollars.

(9) Any person who violates KRS 150.525 shall be fined not less than twenty-five dollars, nor more than two hundred dollars or imprisoned for not more than six months, or both.

(10) Any persons who violate any regulation which has been or may be hereafter adopted by the commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

By Mr. Holsclaw.

H. Res. No. 68. A JOINT RESOLUTION authorizing Dr. R. H. Miller, of Louisville, Jefferson County, Kentucky, to sue the Commonwealth of Kentucky and the State Fair Board.

Said resolution is as follows, viz:

Whereas, on or about the 12th day of September, 1952 while

Dr. R. H. Miller was present in the grandstand of the State Fair grounds for the purpose of witnessing a public exhibition held and promoted by the Commonwealth of Kentucky and the State Fair Board, having paid the admission price demanded by the Commonwealth of Kentucky and the State Fair Board, and having become a spectator occupying a seat along with other spectators in the grandstand, when a fire occurred in the grandstand, creating conditions whereby as a proximate result of said fire, Dr. R. H. Miller, suffered injuries and was severely and permanently injured and damaged in the total sum of Twenty-five Thousand Dollars ($25,000.00),

Whereas, it appears that the Commonwealth of Kentucky and the State Fair Board, or either, acting by and through their agents, servants and employees, may be responsible for said damages.

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Dr. R. H. Miller of Louisville, Jefferson county, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the State Fair Board, or either, in the Jefferson Circuit Court, for damages to his person resulting from the said fire in the grandstand at the State Fair grounds and the conditions created thereby and caused by the negligence on the part of the Commonwealth of Kentucky and the State Fair Board, or either, acting through their agents, servants and employees, who were then acting within the scope of their authority.

2. That said action shall be for a sum not in excess of Twenty-five thousand dollars ($25,000.00).

3. The attorney employed by the State Fair Board pursuant to Kentucky Revised Statute 12.210, if the State Fair Board has such an attorney, or the Attorney General, whichever of said attorneys who may have the authority to appear and act as the attorney for the State Fair Board, may investigate the claim herein referred to and settle said claim before or after suit is filed, if in the opinion of said attorney, or the Attorney General, such settlement is for the best interest of the Commonwealth

of Kentucky and the State Fair Board. Any sum recovered in said suit, or by settlement with said attorney, or the Attorney General, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the State Fair Board, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the jury.

AFFIDAVIT

THIS affiant, R. H. Miller, first being duly sworn, proposes and says that on or about the 12th day of September, 1952, while a regular spectator in the grandstand of the State Fair ground in Louisville, Jefferson County, Kentucky, he was injured as a result of a fire in the grandstand; that he suffered damages through personal injuries in the amount of Twenty-five Thousand Dollars ($25,000.00); that he is seeking to sue the Commonwealth of Kentucky and the State Fair Board upon the ground that his injuries are the proximate result of the negligence of the servants, employees, and agents of the Commonwealth of Kentucky and of the State Fair Board; that he has petitioned and authorized Mr. Chester Holsclaw, a member of the House of Represenatives, from the Thirty-sixth District to introduce a joint resolution authorizing this affiant to so sue the Commonwealth of Kentucky and the State Fair Board.

Dr. R. H. Miller, D.D.

Subscribed and sworn to before me by R. H. Miller this 24th day of February, 1954.

My commission expires June 2, 1957.

Elizabeth B. Owens
Notary Public
Jefferson County, Kentucky

Mr. Lowman moved that H. B. No. 100 be taken from the Clerk's desk for consideration by the House.

Said motion was agreed to.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (8) of section 241.060 of the Kentucky Revised Statutes is amended to read as follows:

(8) To make rules and regulations and to provide forms, that may be necessary to regulate the alcoholic beverage industry and to make K.R.S. 244.380 to 244.470 effective. Such rules and regulations shall not be effective unless licensees of the alcoholic beverage industry are given at least ten (10) days notice, along with a copy of the proposed rule or regulation and an opportunity to be heard in a public hearing before the adoption of the said rule or regulation. No rule or regulation adopted shall become effective until thirty (30) days after its adoption.

Section 2. Section 243.730 of the Kentucky Revised Statutes is hereby amended to read as follows:

Wholesalers or manufacturers of alcoholic beverages may deduct from the amount of the tax collected under KRS 243.720 to 243.860 three percent of the amount to cover expenses incident to the reporting and remitting of these taxes. This deduction shall be authorized only if the department is satisfied that the wholesaler or manufacturer is keeping proper records and makes reports at the time and in the manner prescribed by the department.

With Senate Amendment attached thereto as follows, viz:

Amend printed copy of House Bill 100, on page one and two thereof.

by striking all of the subject matter appearing on lines 1 to 15 inclusive, and inserting in lieu thereof the following:

Sec. 1. Section 241.060 of the Kentucky Revised Statutes is amended to read as follows:

"Functions of board. The board shall have the following functions, powers and duties:

(1) To adopt reasonable regulations governing the procedure relative to applications for and revocations of licenses and relative to all other matters over which the board has jurisdiction, and for the supervision and control of manufacture, sale, transportation, storage, advertising and trafficking of alcoholic beverages. Regulations need not be uniform in their application, but may vary in accordance with reasonable classifications.

(2) To limit in its sound discretion the number of licenses of each kind or class to be issued in this state or any political subdivision, and restrict the locations of licensed premises. To this end the board may make reasonable division and subdivision of the state or any political subdivision into districts. Regulations relating to the granting, refusal and revocation of licenses may be different within the several divisions or subdivisions.

(3) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and require the production of any books or papers relative to the inquiry, regardless of whether the witnesses are licensees. The power provided in this subsection may be delegated by the board to any member or employee of the department. Provisions of the Civil Code of Practice shall apply to subpoenas issued pursuant to this subsection, but such subpoenas shall be effective throughout the state and shall be enforcible by petition to a court of competent jurisdiction. The department may pay witnesses the per diem and mileage provided in KRS 421.010.

(4) To conduct hearings and appeals under KRS 241.150, 241.200, 243.470 and 243.520 and render decisions upon the subjects of the hearings and appeals.

(5) To suspend, revoke or cancel for cause, after a hearing, any license issued under KRS 243.020 to 243.670.

(6) To close, lock and bar, for a period not to extend beyond the following June 30, any premises in or upon which a violation of KRS Chapter 241, KRS 243.020 to 243.670, or KRS Chapter 244 has taken place. If the violation was within the knowledge of the owner, or was committed or permitted in or

upon premises owned by a licensee, the board shall prohibit the issuance of a license for the premises until the expiration of two years from the time the offense was committed.

(7) To suspend a license for any cause for which the board is authorized to exercise its discretion as to revoking a license.

(8) To make rules and regulations and to provide forms, that may be necessary to regulate the alcoholic beverage industry and to make KRS 244.380 to 244.470 effective. Before any such rule or regulation is adopted, the Board, after notice, shall hold a public hearing at its offices in Frankfort, Kentucky, not less than five (5) days before said rule or regulation is to be adopted. Not less than ten (10) days notice of such hearing and of the proposed rule or regulation, as well as the date when the same is proposed to be adopted, shall be given in the following manner:

(a) By publication in not less than six (6) newspapers which combined will give substantial statewide publication; and

(b) By registered letter to the principal office of any organized group or groups of licensees, or class thereof, where such organization has made a request, in writing, to be so notified.

In the event of an emergency the provisions of Section 13.085 of the Kentucky Revised Statutes shall become applicable.

When any rule or regulation is adopted, the same shall be filed and become effective in the manner and time prescribed in Chapter 13 of the Kentucky Revised Statutes.

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 100.

Said motion was agreed to.

Said amendment concurred in.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Lowman moved that the Constitutional provision as to

the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Thomas J. Murphy
Walter J. Bailey	W. L. Hadden	Foster Ockerman
John Rhea Banton	George F. Harris	Louis T. Peniston
Clarence J. Barnum	Chester J. Holsclaw	Hobart Rayburn
Wallace Bartley	William M. Horn	Russell Reynolds
Charles E. Baumgardner, Sr.	William L. Jones	William A. Routh
Leo A. Bleemel	Talmage Lacy	Cecil C. Sanders
Edward O. Bridgers	Ralph E. McClanahan	Mrs. Thelma L. Stovall
Charles W. Buchanan	William E. Maglinger	E. H. Stumbo
Harry M. Caudill	Damon Majors	C. Waitman Taylor
William J. Conley	William C. Mann	Eulick Walsh
R. Josh Cosby	Tom Mobley	Will Tom Wathen
Vernor O. Cottengim	Robert K. Montgomery	William B. Wells
Charles W. Craig	Walter R. Moorman	Warren D. Williams
Addison L. Everett	Fred Morgan	Charles W. Wirsch
Herbert Fern	Eddie J. Morris	Walker H. Wiseman
Thomas P. Fitzpatrick		Dr. Clyde D. Wooton
		Paul E. Young

—51

Those who voted in the negative were—

Owen Billington	James A. Dressman, Jr.	Lon C. Hill
J. Murray Blue	Harold G. Helm	Estill R. Hilton
Cassius M. Clay		Varna Holt

Jennings H. Kearby	Carl D. Melton	James Treadway
Caleb McFadden	Paul T. Ratcliffe	W. W. Webster
George R. Martin	Joe Rouse	—16

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The Speaker having vacated the chair, Mr. Morgan assumed the chair as Speaker pro tem.

Mr. Lowman moved that H. B. No. 53 be taken from the Clerk's desk for consideration by the House.

Said motion was agreed to.

Said bill is as follows, viz:

H. B. No. 53. AN ACT relating to the establishment of a penalty for violation of Section 277.245 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any owner or operator of a railroad running through or within this state as a common carrier of persons or property or both, for compensation, who either operates for its employes, or who furnishes to its employes for their transportation to or from the place or places where they are required to labor, a rail track motor car that has not been fully equipped as required by KRS 277.245, shall be fined not less one hundred dollars, nor more than five hundred dollars for each offense and each day or paid of a day it operates or furnishes each of such rail track motor cars not so equipped as provided in KRS 277.245 to its employes for operation to or from the place or places where they are required to work shall constitute a separate offense.

With Senate Amendment attached thereto as follows, viz:

Amendment No. 1—Amend printed copy of House Bill No. 53 by striking out on line 9 the word "paid" and insert in lieu thereof the word "part"

Mr. Lowman moved that the House do now concur in the Senate amendment to H. B. No. 53.

Said motion was agreed to.

Said amendment concurred in.

Mr. Burnley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Rhea Banton	Charles E. Baumgardner, Sr.
Walter J. Bailey	Clarence J. Barnum	Owen Billington
	Wallace Bartley	

Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—79

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The Speaker, Mr. Burnley, resumed the chair.

REFERRAL OF BILLS AND RESOLUTIONS

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

House Bill No. 410—Ways and Means

House Res. No. 64—Ways and Means

House Bill No. 393—Education

Senate Bill No. 54—Kentucky Statutes No. 1

Senate Bill No. 55—Kentucky Statutes No. 1

Senate Bill No. 56—Kentucky Statutes No. 1

Senate Bill No. 57—Kentucky Statutes No. 1

Senate Bill No. 58—Kentucky Statutes No. 1

Senate Bill No. 59—Kentucky Statutes No. 1

Senate Bill No. 60—Kentucky Statutes No. 1

Mr. Lowman moved that the House adjourn until 10:00 A. M. Thursday, February 25, 1954.

Said motion was agreed to.

And the House did then adjourn.

THURSDAY, FEBRUARY 25, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Edward Tullis, Pastor of the First Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Owen Billington	Charles W. Buchanan
Walter J. Bailey	Leo A. Bleemel	Harry M. Caudill
John Rhea Banton	J. Murray Blue	Cassius M. Clay
Clarence J. Barnum	J. C. Bradley	Paul Cobb
Wallace Bartley	Edward T. Breathitt, Jr.	William J. Conley
Charles E. Baumgardner, Sr.	Edward O. Bridgers	R. Josh Cosby
	John Young Brown	Vernor O. Cottengim

Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

—99

Mr. Harris moved that the reading of the Journal of the proceedings of Wednesday, February 24, 1954, be dispensed with and the same stand approved.

Said motion was agreed to.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion agreed to.

Mr. Clay moved that Mr. William Blanton, a former member of the House, and his wife be given the privilege of the floor.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Kearby.

H. B. No. 432. AN ACT relating to selection of alumni trustees of the University of Kentucky, and Amending Section 164.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 164.140 of the Kentucky Revised Statutes is amended to read as follows:

A meeting of the alumni shall be held on commencement day of each year and at such meeting those present and voting shall nominate to the Governor three persons from whom the alumni members shall be appointed. No alumnus shall be permitted to vote for the nomination of alumni trustees in the year in which he secures his degree. If the alumni fail to make nominations to the Governor for any year in which nominations are to be made, the Governor shall for that year appoint the alumni trustees from the entire alumni, a list of which shall be provided by the secretary of the alumni association.

By Mr. Mobley.

H. B. No. 433. AN ACT relating to establishment of independent school districts by sixth class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any city of the sixth class may constitute the territory

within its boundaries an independent school district by the passage of the proper ordinances by the board of trustees of such city. In order to establish such district, the city may acquire real and personal property and may mortgage such property for the purpose of financing building construction or improvement of such property, and may perform any act necessary to the maintenance and operation of such independent school district.

By Mr. Edmonds.

H. B. No. 434. AN ACT relating to executions on salaries and wages of persons engaged in private employment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Salary" and "wages" shall be given their ordinary meaning but in any event shall include compensation measured partly or wholly by commissions, percentages or share of profits or by other sums based upon work done or results produced whether or not the judgment debtor is given a drawing account;

(2) "Execution" means an execution differing from an ordinary execution upon a judgment only in that it is directed against money due or to become due to the judgment debtor from the private employer;

(3) "Judgment creditor" means the owner of a money judgment.

Section 2. Salary or wages payable to any person engaged in private employment, whether due and owing or to become due and owing, shall be subject to execution by judgment creditors only as provided by this Act.

Section 3. Upon the return of an execution wholly or partly unsatisfied, a judgment creditor may apply to the court in which the judgment was recovered or a court having jurisdiction of the same, without notice to the judgment debtor, for

an execution against any money due or to become due within one year after the issuance of such execution to the judgment debtor as salary or wages arising out of any private employment. If satisfactory proof shall be made, by affidavit or otherwise, of such facts and the fact that the amount due or to become due as salary or wages exceeds eighteen dollars per week, the court shall issue an execution against the salary or wages of the judgment debtor, and upon presentation of such execution by the officer to whom delivered for collection to the person or persons from whom such salary or wages are due and owing or thereafter may become due and owing to the judgment debtor, the execution and the expenses thereof shall become a lien and continuing levy upon the salary or wages due or to become due to the judgment debtor within one year after the issuance of the same, unless sooner vacated or modified as hereinafter provided. Only one such execution shall be satisfied, at one time, except that in the event two or more such executions have been served and satisfaction of the one having priority is completed without exhausting the amount of the salary or wages then due and payable that is subject to execution under this Act the balance of such amount shall be paid in satisfaction, in the order of their priority, of junior executions against such salary or wages theretofore served.

Section 4. A certified copy of an execution issued under this Act against salary or wages shall be served upon the judgment debtor. Such service shall be made by the sheriff by enclosing the copy in a postpaid envelope addressed to the judgment debtor or his agent authorized to accept service of process and forwarding the same by registered mail, return receipt requested. The day and hour of such mailing shall be clearly noted on the face of the original execution and the officer to whom it is delivered for collection shall not make service upon the private employer until the expiration of five days from that time. The fee for service of notice under this Section shall be twenty-five cents without any additional allowance for postage, registry fee, or other expenses incurred in effecting service.

Section 5. (1) An execution issued under this Act against salary or wages shall be served upon the private employer in the same manner as a summons commencing an action is served.

It shall be the duty of any person upon whom such an execution, bearing the notation required by Section 4 hereof, shall be served, and who shall at that time be indebted or who shall thereafter become indebted to the judgment debtor named in the execution for salary or wages, and while the execution shall remain a lien upon said indebtedness, to pay over to the officer serving the same or to the judgment creditor such amount of said indebtedness as is required during the life of the execution until it shall serving the same or to the judgment creditor such amount of said indebtedness as is required by Section 3 hereof during the life of the execution until it shall be wholly satisfied. The sums so paid shall be deducted from the amounts payable to the judgment debtor and such payment shall be a bar to any action by him therefor.

(2) If the private employer upon whom the execution shall be served, shall fail or refuse to pay over to the officer serving the execution or to the judgment creditor the required percentage of the indebtedness, he shall be liable to an action therefor by the judgment creditor named in the execution and the amount recovered in the action shall be applied in satisfaction of the execution.

Section 6. Either party may apply at any time to the court from which such an execution shall have issued, upon such notice to the other party as such court shall direct for the vacation or modification of the execution. After conducting a hearing thereon, the court shall vacate the execution if satisfaction of the same or the judgment be made out by affidavit or otherwise, and in any case may make such modification of the execution as shall be deemed just, and such execution as so modified shall continue in full force and effect until satisfied, or until vacated or further so modified. Such an execution may be vacated at any time upon the application of the judgment creditor without notice or a hearing and in such a case the clerk of a court shall have power to vacate the execution if issued out of his court. For the protection of the private employer the lien of an execution shall, as regards the private employer, be deemed unaffected by a vacating or modifying order prior to service of such order upon the private employer.

Section 7. An execution which shall expire wholly or partly unsatisfied may be renewed from time to time in the manner in which it was originally issued and for a like period. The renewal execution shall conform to the original save that it shall state in addition the fact that it is a renewal and shall be issued only for the balance due on the judgment. A renewal execution shall retain the same priority of lien as the original if served within thirty days before the expiration of the life of the original.

Section 8. An execution issued and served under this Act shall have priority over an assignment filed with the private employer subsequent to service of the notice required in Section 4 of this Act.

Section 9. A judgment debtor to whom money is due or to become due which would otherwise be subject to execution under this Act may have the same exempted from levy in the manner and to the extent now provided for by law. The exemption may be claimed for sums currently accruing but must be asserted anew as to any salary or wages which shall begin to accrue after the next payment date. Such exemption shall not be binding upon a private employer unless a certificate of exemption or true copy thereof shall have been delivered to him.

Section 10. It shall be the duty of the officer to whom an execution shall be delivered to account for and pay over to the person entitled thereto all moneys collected on such execution, less his lawful fees and expenses for collecting the same. Such accounting shall be made from time to time and at least once every month from the time a levy shall have been made.

Section 11. The general laws governing the fees of courts and court officers shall apply to the duties and functions performed under this Act. In no event, however, shall the fee for modifying or vacating an execution under this Act exceed one dollar.

By Mr. Edmonds.

H. B. No. 435. AN ACT relating to executions on money due or to become due from the state, state agencies or political

subdivisions, and to the execution and garnishment of money or other personalty held by public officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

"Execution" means an execution directed against money due or to become due to the judgment debtor, and there shall state agency, political subdivision or public officers;

(2) "State agency" means any department, division, institution, board, commission, bureau, or other agency of the state government;

"Political subdivision" means any county, county board of education, city, or any other public corporation or governmental unit organized to perform one or more of the functions of local government;

(4) "Public officer" means the officer of the state, a state agency, or a political subdivision, as the case may be, upon whom to make service of executions;

(5) "Judgment creditor" means the owner of a money judgment.

Section 2. (1) Upon the return of an execution wholly or partly unsatisfied a judgment creditor may apply to the court in which the judgment was recovered or a court having jurisdiction of the same, without notice to the judgment debtor, for an execution against any money due or to become due within one year after the issuance of the same to the judgment debtor from the state, a state agency, or any political subdivision of the state. If satisfactory proof shall be made, by affidavit or otherwise, of such facts, and, where the execution is sought against salary or wages, of the fact that the amount due or to become due as salary or wages exceeds eighteen dollars per week, the court shall issue an execution against such money be entered on the face thereof the day and hour of issuance.

(2) Such execution and the expenses thereof shall, when served by the officer to whom delivered for collection in the manner hereinafter provided, upon the state, a state agency, or political subdivision from which such money is due or may thereafter become due to the judgment debtor, become a lien and continuing levy upon the sums due or to become due to the judgment debtor within one year after the issuance of the same, but not to exceed the specified amount of salary or wages as hereinafter provided, unless sooner satisfied, vacated or modified.

(3) Where more than one execution shall have been issued pursuant to the provisions of this Section against the same judgment debtor, they shall be satisfied in the order of priority in which they are served upon the state, state agency, or political subdivision from which such money is due or shall become due. For purposes of determining such priority the time that an execution served by mail is received, and not the time of service, shall control. In the case of two or more executions received in the same mail delivery priority shall be accorded the one first issued.

Section 3. (1) An execution issued under this Act against salary or wages shall become a lien and continuing levy upon sums due or to become due to the judgment debtor as salary or wages, but in no event shall the payments in satisfaction of such an execution reduce the amount payable to the judgment debtor to less than eighteen dollars per week. An execution against salary or wages shall contain the name of the judgment debtor and the bureau, office, department, institution or subdivision thereof of the state or political subdivision of the state, as the case may be, of which he is an officer or employe. If a person so employed shall resign or be dismissed while an execution issued hereunder against his salary or wages is wholly or partly unsatisfied, and he shall thereafter be reinstated or reemployed, the execution shall lapse and no further deduction shall be made with respect thereto from his salary or wages unless such reinstatement or reemployment shall occur within ninety days after such resignation or dismissal. An execution shall not be affected by the transfer of the judgment debtor from one bureau, office, department, institution of the state or a political subdivision to another if the officer upon whom service of the execution was made

would be the proper officer for service of an execution against salary or wages due or to become due to the judgment debtor in the new employment.

(2) Such an execution shall not become a lien against salary or wages payable by the state or a state agency within ten days after the service therof or payable by a political subdivision within five days after the service thereof but shall become a lien and continuing levy upon the salary or wages which shall become due or owing to the judgment debtor thereafter during the life of the execution.

(3) Only one execution against the salary or wages of a judgment debtor shall be satisfied at one time, except that in the event two or more such executions have been served and satisfaction of the one having priority is completed without exhausting the amount of the salary or wages then due and payable that is subject to execution under this Act, the balance of such amount shall be paid in satisfaction, in the order of their priority, of junior executions against such salary or wages theretofore served.

Section 4. A certified copy of an execution issued under this Act against salary or wages shall be served upon the judgment debtor. Such service shall be made by the sheriff by enclosing the copy in a postpaid envelope addressed to the judgment debtor or his agent authorized to accept service of process, and forwarding the same by registered mail, return receipt requested. The day aand hour of such mailing shall be clearly noted on the face of the original execution and the officer to whom it is delivered for collection shall not make service upon the proper officer until the expiration of five days from that time. The fee for service of notice under this Section shall be twenty-five cents without any additional allowance for postage, registry fee, or other expenses incurred in effecting service.

Section 5. (1) An execution issued under this Act against money due and owing or to become due and owing from the state, or a state agency which shall be payable on the warrant of the Department of Finance for the payment thereof directed to the judgment debtor must be served upon the Commissioner of Finance and the State Treasurer. Such service shall be made by exhibiting and at the same time delivering a true copy of the

original execution, and paying the prescribed fee, to the proper officer, or to a person in his office designated and authorized by the Commissioner of Finance or head of such department, institution, or agency, as the case may be, by writing filed in such office to receive it. Service of such an execution may be made by mail by the court who issued the execution or by the officer to whom the same is delivered or by any credible person, by enclosing the original execution in a postpaid envelope addressed to the proper officer and agency together with a true copy thereof and the amount of the prescribed fee. Service by mail shall not be deemed to be complete until the original execution shall have been returned to the court who issued it.

(2) An execution against a political subdivision of the state shall be served upon the chief financial officer charged with the duty of issuing warrants, checks or orders for the payment of such claims, in like manner as service hereunder upon state officers, except that service by mail shall not be sufficient or binding.

(3) Service of a vacating or modifying order issued pursuant to Section 6 of this Act shall be made in the manner herein prescribed for the service of an execution.

Section 6. Either party may apply at any time to the court, from which such an execution shall have issued, upon such notice to the other party as such court shall direct, for the vacation or modification of the execution. After conducting a hearing thereon, the court shall vacate the execution if satisfaction of the same or the judgment be made out by affidavit or otherwise, and in any case may make such modification of the execution as shall be deemed just, and such execution as so modified shall continue in full force and effect until paid and satisfied, or until vacated or further so modified. Such an execution may be vacated at any time upon the application of the judgment creditor without notice or a hearing and in such a case the clerk of a court shall have power to vacate the execution if issued out of his court. For the protection of the state, state agency, political subdivision or public officer, the lien of an execution shall, as regards them, be deemed unaffected by a vacating or modifying order prior to

service of such order upon the state, state agency, political subdivision or public officer.

Section 7. An execution which expires wholly or partly unsatisfied may be renewed from time to time in the manner in which it was originally issued and for a like period. The renewal execution shall conform to the original save that it shall state in addition the fact that it is a renewal and shall be issued only for the balance due on the judgment. A renewal execution shall retain the same priority of lien as the original if, and only if, served within thirty days before the expiration of the life of the original.

Section 8. (1) A filing fee of one dollar shall be paid the proper officer for each execution or renewal thereof served upon him. A filing fee of fifty cents shall be paid such officer for any other paper served upon him under this Act. The sums so received shall, in the case of the state or a state agency, be paid into the state treasury, to the credit of the general fund, and, in case of a political subdivision, be paid over to the credit of its general fund.

(2) The general laws governing the fees of courts and court officers shall apply to the duties and functions performed under this Act. In no event, however, shall the fee for modifying or vacating an execution exceed one dollar.

Section 9. (1) It shall be the duty of the proper officer, after service of an execution under this Act, bearing the notation required by Section 4 hereof, if directed against salary or wages, to pay to the court issuing the execution or to the officer presenting the same such sums as may be or shall thereafter become due to the judgment debtor from the state, state agency, political subdivision or public officer during the life of the execution until it shall be wholly satisfied.

(2) Any public officer who, acting in bad faith, pays over or refuses to pay over money, in violation of the rights of one or more parties in interest, shall be personally liable to such party or parties.

(3) If a political subdivision shall fail or refuse to pay over to the officer who served the execution the amount due the judg-

ment debtor or the required percentage thereof in the case of salary or wage, it shall be liable to an action therefor by the judgment creditor named in the execution and the amount recovered in the action shall be applied toward the payment of the execution.

(4) No judgment may be recovered against the state but a judgment creditor may bring an action against the proper officer for a declaratory judgment establishing his right to have sums due or to become due to his judgment debtor or from the state or a state agency applied in satisfaction of the execution issued on his judgment pursuant to this Act. Such an action may be brought against the Commissioner of Finance only in the Franklin Circuit Court.

Section 10. An execution issued and served under this Act shall have priority over an assignment filed with the proper officer subsequent to service of the notice required by Section 4 hereof in the case of salary or wages and subsequent to service of the execution in any other case. This Section is not intended and shall not be deemed to modify the now existing law governing the validity of the assignment of the salary or wages of a public officer or employe.

Section 11. An execution issued and served under this Act shall, in the case of money due or to become due to a contractor on public work, apply only to such sums as shall be payable to the contractor after completion and acceptance of the work. Certification of completion and acceptance by the officer or body whose duty it is to make such determination shall be sufficient evidence to the proper officer of the facts of completion and acceptance for purposes of making payment in satisfaction of executions issued under this Act.

Section 12. (1) A judgment debtor to whom money is due or to become due which would otherwise be subject to execution under this Act may have the same exempted from levy in the manner and to the extent now provided by law. In the case of salary or wages the exemption may be claimed for sums currently accruing but must be asserted anew as to any salary or wages which shall begin to accrue after the next payment date. Such exemption shall not be binding upon the state, state agency

or political subdivision of which the judgment debtor is an officer or employe unless a certificate of exemption or true copy thereof shall have been delivered to the proper officer upon whom to make service of an execution under this Act.

(2) Money due to any lawful beneficiary thereof from any workmen's compensation, unemployment compensation, pension or retirement, or public assistance or relief fund or system, shall not be subject to execution under this Act.

(3) Public obligations, whether in the form of bonds, notes, certificates of indebtedness, or otherwise, and whether negotiable or non-negotiable, shall not be subject to execution under this Act.

Section 13. It shall be the duty of the officer to whom an execution shall be delivered to account for and pay over to the person entitled thereto all moneys collected on such execution, less his lawful fees and expenses for collecting the same. In case of salaries, wages or other claims payable periodically, such accounting and payment shall be made from time to time and at least once every three months from the time a levy shall have been made.

Section 14. Money and other personal property in the hands of a sheriff, constable, clerk of court, justice of the peace or other public officer who shall hold the same by virtue of his office and which belongs or is owed to any person shall be subject to garnishment and execution in the same manner and to the same extent as if held by him as a private individual, except that money or other property which is in custodia legis shall be paid or delivered into the court to abide the result of the suit, unless the court shall otherwise direct. This Section does not apply to public property or funds.

Section 15. Existing law governing the presentment, audit and allowance of claims against the state, a state agency, or a political subdivision is not affected hereby and the provisions hereof shall not be deemed to permit payments in excess of appropriations not otherwise permitted by law.

COMMITTEE REPORTS

Mr. Murphy, Chairman of the committee on Compensation for Industrial Injuries, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 370. AN ACT relating to Workmen's Compensation, etc.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Mobley, Chairman of the Committee on Constitutional Amendments, to which the same had been previously referred, reported favorably on a bill of the following title, viz:

H. B. No. 295. AN ACT providing for the taking of the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth, etc.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 54. AN ACT relating to the Department of Mental Health, etc.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 55. AN ACT relating to the Department of Mantal Health and establishing the confidential nature of certain records and reports.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 56. AN ACT relating to the Department of Mental Health and authorizing the designation of private homes and private nursing homes for placement and family care of certain state mental hospital patients.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 57. AN ACT relating to the Department of Mental Health, its organization, functions, powers and duties.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 58. AN ACT relating to the hospitalization of mentally ill persons.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 59. AN ACT relating to the custody support and treatment of incompetents.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 60. AN ACT relating to the inquest, commitment and discharge of incompetents.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 177. AN ACT relating to births and deaths.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 200. AN ACT relating to occupational license taxes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 207. AN ACT relating to property taxation.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 209. AN ACT relating to motor vehicle operators' licenses.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 240. AN ACT relating to narcotic drugs.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 239. AN ACT relating to local public health.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 344. AN ACT relating to local public health.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky

Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 392. AN ACT relating to fees of county court clerks.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 69. AN ACT relating to school property.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 252. AN ACT relating to juries.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 379. AN ACT relating to federal lands within the Commonwealth.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 342. AN ACT relating to trailer coach parks.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 343. AN ACT relating to flammable liquids.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 98. AN ACT relating to the powers of counties containing a city of the first class with respect to regulation of the erection, construction, reconstruction, relocation, remodeling, alteration, repair and maintenance of buildings within such county.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Comimttee on Ways and Means, to which the same had been referred, reported favorably a bill of the following title, viz:

S. B. No. 33. AN ACT relating to juries.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 64. A RESOLUTION extending congratulations and felicitations to the citizens of the City of Covington, etc.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been referred, reported favorably a bill of the following title, viz:

H. B. No. 307. AN ACT relating to special Assistant Attorneys General in the Department of Law.

Whereupon said bill was read at length the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 373. AN ACT relating to property taxation.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 341. AN ACT relating to insurance and the form and provisions of disability insurance policies, etc.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had previously been referred, reported favorably a bill of the following title, viz:

H. B. No. 300. AN ACT TO AMEND AN ACT relating to temporary permits and temporary licenses for student drivers, etc.

Whereupon said bill was read at length for the first time and

Ordered to be placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 380. AN ACT relating to registration and purgation; etc.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Comimttee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 305. AN ACT TO AMEND AN ACT relating to the application of minor; renewal of minor's license or permit; cancellation.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 346. AN ACT relating to the registration of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No person residing in this state who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and such plate, submit to the county clerk to whom such application is made a tax receipt, or other evidence, showing that he has paid in full his personal property taxes which accrued and fell due and payable to the state and to the county in which he resides during the year next preceding that in which such registration receipt and plate are issued or are to be issued. The term "other evidence," as used in this section, shall mean a statement signed by the sheriff of the county in which the owner of such motor vehicle resides.

(2) An owner of a motor vehicle who, during the year next preceding that in which such motor vehicle registration receipt and plate are issued or are to be issued, owned no per-

sonal property subject to state and county taxation in the county in which he resides, or who was not subject to such taxation during such preceding year, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the tax commissioner of the county in which he resides, certifying that such owner, during such preceding year, owned no personal property subject to state and county taxation, or was not subject to such taxation, as the case may be, in the county in which he resides.

Section 2. (1) No person residing in any city in this state levying and collecting taxes on personal property who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state, shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and such plate, submit to the county clerk to whom such application is made, in addition to the information required in Section 1 of this Act, a tax receipt, or other evidence, showing that he has paid in full his personal property taxes which accrued and fell due and payable to the city in which he resides during the year next preceding that in which such registration receipt and plate are issued or are to be issued. The term "other evidence," as used in this section, shall mean a statement signed by the official charged with the duty of collecting personal property taxes levied by the city in which the owner of such motor vehicle resides.

(2) An owner of a motor vehicle who, during the year next preceding that in which such motor vehicle registration receipt and plate are issued or are to be issued, owned no personal property subject to taxation by the city in which he resides, or who was not subject to such taxation during such preceding year, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the official charged with the duty of assessing personal property in the city in which he resides,

certifying that such owner, during such preceding year, owned no personal property subject to taxation, or was not subject to such taxation, as the case may be, by the city in which he resides.

(3) In the event the city in which such owner resides has, pursuant to KRS 132.285, elected to adopt and use the annual assessment of the county in which such city is located as the basis upon which ad valorem tax levies on personal property are made by such city, the statement referred to in subsection (2) of this section shall be procured from the tax commissioner of such county.

Section 3. Compliance with the provisions of this Act shall not relieve the owner of any motor vehicle of the necessity of fulfilling all other requirements prescribed by law for the registration of motor vehicles in this state.

With Committee Amendment by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No person residing in this state who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and plate, submit to the county clerk to whom such application is made a tax receipt, or other evidence, showing that he has paid in full all taxes on personal property, including franchises, subject to taxation in the county in which he resides, which, during the year next preceding that for which such registration receipt and plate are to be issued, fell due and payable by him to the state and to the county in which he resides. An owner of a motor vehicle who was neither liable for the payment of nor subject to such state and county taxes falling due and payable during such preceding year, shall be deemed to have complied with the requirements of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the tax

commissioner of the county in which he resides, certifying that such owner was not liable for the payment of such taxes and was not subject to such taxes during such preceding year.

(2) The term "other evidence," as used in subsection (1) of this section, shall mean a statement signed by the sheriff of the county in which the owner of such motor vehicle resides.

Section 2. (1) No person residing in any city in this state levying and collecting taxes on personal property who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state, shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and such plate, submit to the county clerk to whom such application is made, in addition to the information required in Section 1 of this Act, a tax receipt, or other evidence, showing that he has paid in full all taxes on personal property, including franchises, which, during the year next preceding that for which such registration receipt and plate are to be issued, fell due and payable by him to the city in which he resides. The term "other evidence," as used in this section, shall mean a statement signed by the official charged with the duty of collecting personal property taxes levied by the city in which the owner of such motor vehicle resides.

(2) An owner of a motor vehicle who was neither liable for the payment of nor subject to the city taxes referred to in subsection (1) of this section falling due and payable during the year next preceding that for which such motor vehicle registration receipt and plate are to be issued, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the official charged with the duty of assessing personal property in the city in which he resides, certifying that such owner was not liable for the payment of such taxes and was not subject to such taxes during such preceding year. Nothing contained in this subsection shall be construed to relieve any person of the necessity of complying with the requirements of Section 1 of this Act.

(3) In the event the city in which such owner resides has,

pursuant to KRS 132.225, elected to adopt and use the annual assessment of the county in which such city is located as the basis upon which ad valorem tax levies on personal property are made by such city, the statement referred to in subsection (2) of this section shall be procured from the tax commissioner of such county.

Section 3. Compliance with the provisions of this Act shall not relieve the owner of any motor vehicle of the necessity of fulfilling all other requirements prescribed by law for the registration of motor vehicles in this state.

With an expression that same should pass by way of Committee Substitute.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 242. AN ACT to Amend and Re-enact KRS 276.250 relating to the records to be kept of Passenger Transportation, etc.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported bills of the following titles, viz:

H. B. No. 7. AN ACT relating to Revenue and Taxation.

H. B. No. 410. AN ACT relating to Revenue and Taxation; amending and repealing certain sections of KRS Chapter 141; etc.

Without an expression of opinion.

Mr. Brown moved, seconded by Mr. Harris, that H. B. No. 7 be read into the Calendar, the report of the Committee to the contrary notwithstanding.

Mr. Weintraub moved, seconded by Mr. Dressman, to

amend said motion by substituting H. B. No. 410 in lieu of H. B. No. 7 for first reading.

Mr. Weintraub and Mr. Dressman having requested a roll call, the yeas and nays were taken as follows:

Those who voted in the affirmative were—

Cassius M. Clay	James W. Lambert	Mrs. Thelma L. Stovall
Vernor O. Cottengim	Edward D. Pollitte	Eulick Walsh
James A. Dressman, Jr.	Lloyd E. Rogers	Morris Weintraub
Harold G. Helm	William A. Routh	—11

Those who voted in the negative were—

Rev. Felix S. Anderson	Thomas P. Fitzpatrick	Robert K. Montgomery
Walter J. Bailey	Cabell D. Francis	Walter R. Moorman
John Rhea Banton	W. L. Hadden	Fred Morgan
Clarence J. Barnum	C. Ruby Harralson	Eddie J. Morris
Leo A. Bleemel	George F. Harris	Thomas J. Murphy
J. Murray Blue	Henry R. Heyburn	Goebel W. Newsom, Jr.
J. C. Bradley	Lon C. Hill	Foster Ockerman
Edward T. Breathitt, Jr.	Chester J. Holsclaw	Louis T. Peniston
Edward O. Bridgers	William M. Horn	Roger E. Qualls
John Young Brown	William L. Jones	Paul T. Ratcliffe
Charles W. Buchanan	Jennings H. Kearby	Jack Raybourne, Jr.
Harry M. Caudill	Talmage Lacy	Hobart Rayburn
Paul Cobb	George H. Lovelace	L. M. Tipton Reed
R. Josh Cosby	Shelby McCallum	Robert Reid
Charles W. Craig	Ralph E. McClanahan	Joe Rouse
W. Marvin Davis	William E. Maglinger	Cecil C. Sanders
John L. Day	Damon Majors	LeRoy Saylor
C. E. Dowell	William C. Mann	W. R. Smith
O. O. Duncan	William J. Marcum	E. H. Stumbo
Harold Edmonds	George R. Martin	C. Waitman Taylor
Addison L. Everett	Alton B. Mitchell	W. W. Webster
Herbert Fern	Tom Mobley	Hicks Wells
		William B. Wells

Warren D. Williams T. D. Winstead Dr. Clyde D. Wooton
Mrs. Randolph Wilson Walker H. Wiseman Paul E. Young
—73

The motion to amend having lost, Mr. Brown and Mr. Harris requested roll call on the motion that H. B. No. 7 be read into the Calendar.

The yeas and nays being taken were as follows:

Those who voted in the affirmative were—

John Rhea Banton
Wallace Bartley
Leo A. Bleemel
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
Charles W. Craig
James A. Dressman, Jr.
O. O. Duncan
Addison L. Everett
Cabell D. Francis
C. Ruby Harralson
Henry R. Heyburn
Lon C. Hill
Jennings H. Kearby
James W. Lambert
George H. Lovelace
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Walter R. Moorman
Roger E. Qualls
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Cecil C. Sanders
W. R. Smith
E. H. Stumbo
Hicks Wells
William B. Wells
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young
—40

Those who voted in the negative were—

Rev. Felix S. Anderson
Clarence J. Barnum
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Shelby McCallum
Ralph E. McClanahan
Alton B. Mitchell
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Hobart Rayburn
Lloyd E. Rogers
Joe Rouse
William A. Routh
LeRoy Saylor
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh

W. W. Webster Mrs. Randolph Walker H. Wiseman
Morris Weintraub Wilson —38

Said motion was disagreed to.

Said bill rejected.

Mr. Lowman moved that the House recess until 1:30 P. M.

Said motion was agreed to.

The hour of 1:30 P. M. having arrived, the Speaker resumed the chair.

Mr. Lowman moved that the Speaker appoint a committee to wait upon a like committee of the Senate to escort former Vice President Alben W. Barkley to the House Chamber for the purpose of inviting him to speak to a joint session of the House and Senate.

Said motion was agreed to.

The Speaker appointed the following members to serve on said committee: Mr. Pollitte, Mr. Morgan, Mr. Wathen, Mr. Fitzpatrick, Mr. Smith, Mr. Lambert, Mr. Brown, Mr. Walsh, Mrs. Stovall, Mrs. Wilson and Mr. Jones.

Mr. Lowman moved that the House and Senate do now go into a joint Session for the purpose of hearing the message of Mr. Barkley.

Said motion was agreed to.

Mr. Lowman moved that the roll call of the House and Senate be dispensed with.

Said motion was agreed to.

The Invocation in Joint Session was given by Reverend E. W. Baxter, Rector of the Church of the Ascension, Frankfort, Kentucky.

ADDRESS OF ALBEN W. BARKLEY BEFORE A JOINT SESSION OF THE KENTUCKY GENERAL ASSEMBLY, FEBRUARY 25, 1954

Mr. President, Mr. Speaker and Members of the General Assembly:

I am deeply grateful for the honor you have done me by the invitation that brings me before you.

I do not deem it within my province to attempt to advise you in legislative matters pending before you. Nor is it appropriate for me to indulge in a partisan discussion of the tragic problems faced by the world and by us.

We all recognize that as life has become more complicated through the years, Government at every level has been forced to recognize its obligations to the people in fields not contemplated by those who lived in a simpler age.

This is true, not only of national Governments and international organizations—it is true no less of state, county and municipal governments.

Those who oppose any increase in governmental activities, no matter how necessary and appropriate, frequently quote Thomas Jefferson as having said, "That Government is best that governs least."

I have searched diligently to find whether Jefferson ever said that. I have been unable to locate such a statement, but if he had said it, he would have been referring to a state of society wherein, without the interposition of Government, all men recognized the rights of all other men and sought to abide by and enforce them. This might have been true in a simple pastoral society; and it was undoubtedly true that in such a simple society, the necessity for governmental interposition was less necessary or desirable than in our complex society today wherein all men, all communities, all states, all nations and all human organizations are more dependent upon one another than ever before in the history of the world.

If it were dogmatically true that that government is best that governs least, it would be but another step to the dogma that that government is best that governs not at all, which as we know would lead to chaos and anarchy. Even Jefferson, when in power, found it necessary to modify some of his abstract views entertained and promulgated as a political philosopher.

Abraham Lincoln was a great disciple of Thomas Jefferson. In the first paragraph of his great Gettysburg speech, he almost

quoted literally the first paragraph of Jefferson's Declaration of Independence proclaiming the equality of man.

Lincoln said, "Governments are agencies set up by the people to do what the people themselves cannot do in their individual capacities."

Jefferson did say "Equal and exact justice to all men—freedom of religion, freedom of the press, freedom of person under the protection of habeas corpus, and trial by juries impartially selected—these form the bright constellation which has gone before us."

Surely it is the minimum obligation of Government to enforce these rights.

Lincoln said, "I fear you do not fully comprehend the danger of abridging the liberties of the people. A Government had better go to the very extreme of toleration than do aught that could be construed as an interference with the common rights of the citizen."

Surely that quotation from this native Kentuckian is peculiarly applicable in this day of hysteria and the fear and suspicion which it generates.

As we look at the status of human society today all over the world, we pause to inquire whether the governments under which men live fulfill either of these concepts of the relationship between them and the people.

The Declaration of Independence proclaimed the equality of man. It proclaimed that all governments derived their just powers from the consent of the governed.

From the remotest days of man's intellectual and moral responsibilities, he has sought the enjoyment of equality, and to enjoy the fruits of his labor and his contribution to the common weal.

Until a generation ago, the American people felt reasonably secure in their isolation behind the shores of two great oceans. The Spanish-American War of 1898 constituted the first adventure of ours in real international conflict either to preserve or to advance the cause of human liberty.

While that War was small indeed compared to those in which we have been compelled to participate since, its consequences were far reaching. Three-fourths of a century before that War, James Monroe had proclaimed the doctrine that bears his name. One by one, the states of Latin America had won their independence from three centuries of Spanish domination. One by one our government recognized the new republics thus created. The great Kentuckian, Henry Clay, gave inspiration and practical aid to these new nations in the establishment of their liberties. It was recognized that any European effort to reestablish authority or domination in the Western hemisphere constituted a potential danger to the liberty of the people of the United States. It was never necessary to go to war to defend the Monroe Doctrine, but indirectly the fight of the Cuban and Puerto Rican people was a fight to obtain that liberty and self-government which had been obtained at an earlier period by their neighbors in Latin America.

As a consequence of that War, Cuba, Puerto Rico and the Philippines fell into our hands. We promised Cuba and the Philippines their liberty and independence. We kept our word. We have greatly improved the political and economic conditions of the people of Puerto Rico. But at the end of the Spanish-American War, it could hardly have been anticipated that we would, within two decades, be involved in a world conflict between democracy and autocracy.

The inventive genius of man has so shriviled and shrunk the size of the earth, and brought all peoples more closely together, that is is impossible for us to assure ourselves that any episode in the remotest or most backward portion of the earth may not involve our own people and affect directly every home and every institution in America.

The assassination of an Archduke and his wife on the streets of Sarejevo in faraway Serbia brought on World War I, though the underlying conditions which had been festering for many years awaited only such an explosion.

The invasion of Poland by Hitler in 1939 brought on World War II. Our people had no part in the antecedent events which precipitated these two conflicts. Yet we were drawn into them

against our will because in their immediate and ultimate consequences, everything was involved that we had cherished, fought for and established as a part of the American concept of human liberty.

As a result of World War I, an effort was made to organize the world for peace under the League of Nations. It was a noble effort to relieve mankind from the burdens of warfare and the fears which warfare generates. But it was a futile effort. If it could have stopped the Japanese when they invaded China in 1931, or Mussolini when he invaded Ethiopia in 1935, or Hitler when he took over Austria, a part of Czechoslovakia, the Ruhr and the Rhine and invaded Poland in 1939, World War II might never have occurred and all the blood and tears and suffering and expenditures of vast resources might have been avoided.

We were drawn into both of these world wars and we are inextricably bound up and harassed with the problems that have been let loose out of the world's Pandora box since the end of the last great war.

As a consequence of this, and recognizing the futility of war in the final settlement of human problems, another effort under the United Nations was made to organize the world for peace, and more than sixty nations signed the Charter at San Francisco in April, 1945.

One of the great problems that faces the world today is whether the United Nations will go the way of the League of Nations, whether it has sufficient strength and support among the free peoples of the world to prevent its demise for lack of either power or influence in the settlement of international controversies and the preservation of world peace.

Whereas we refrained from joining the League of Nations a generation ago, our government and our people sponsored the United Nations a decade ago. We believe in it and we fear that if it should go the way of its predecessor through its impotence and lack of world support, the last effort to organize mankind for peace in our generation would vanish and the primitive instincts of man which relied upon force rather than

moral considerations, would engulf the world in a long night of darkness compared with which the Dark Ages might seem like a noon-day sun.

Notwithstanding these dangers, we find that there is an active and well-financed effort now being made to discredit and destroy the United Nations by those who still have their heads in the sand, though the remainder of their anatomies are in full view. These efforts to discredit and destroy the present international organization are fostered by those who still believe that the inventive genius of man has wrought no change in human relationships, that we still live amid the sequestered precincts of smug and happy isolation and that we have no moral or political obligation either to assist or to take note of other peoples, though such notice and such efforts would promote our own peace and our own security.

In the midst of these tragic consequences of international conflict, we find the world divided into two ideologies. About 1/3 of the world's population lives under free institutions to a greater or smaller degree. About 1/3 are completely dominated by the totalitarian authority of the Communistic regime as exemplified in the Soviet Union and its Kremlin. The other 1/3 stands in between, not quite certain of its future or of its own interests or its own alignments.

For generations and centuries, many of these people have been the victims of exploitation. The colonial and imperial systems have wrought some benefits to the peoples dominated, but on the whole, colonialism has taken from these subject peoples more than it gave them. Many of them have thrown off, or have had thrown off for them, these alien authorities and are now groping toward a way of life better than anything they have ever enjoyed in all the centuries of their history.

Until the last generation, we in America had but a vague idea of the vast regions and populations of the rest of the world. Prior to World War I, fortunate Americans were able to visit Europe and sometimes Asia but until that war few Americans realized the vital connection between the problems of Europe and of America.

While World War II brought us into more intimate rela-

tionship with the Pacific and the Far East, even yet we are but vaguely aware that vast populations do live there and that what happens there and to them may affect every household in America, because no Chinese wall can ever be built around the United States that will make us a watertight and impregnable international compartment.

Let us consider for a moment these vast populations which are seeking either a resurgence or the primal attainment of the dignities for which mankind was created in the image of God. In India, Pakistan and Burma, there are 450 million people; in Indonesia, 79 million; in China, 464 million; in Africa to the Cape of Good Hope there are 198 million. In other words, these countries contain one-half the population of the world.

While the problems of the Far East are on our doorstep today, the problems of Africa and her seething millions may be on the world's doorstep tomorrow.

What do we really know about Hinduism, Islam and Buddhism, all of which are seeking a rebirth, or any of the other religions that move and agitate these great populations. As yet we have but scanty means of communications and contact with them, yet deeply is our future affected by them and their movements and their reactions to world conditions.

Fortunately, many of their leaders have been educated in Oxford, Cambridge and London and in Harvard and other American institutions.

Surely, we must realize that as they are able to make progress in the enjoyment of modern living, they may desire to be trained in their own institutions. But it takes no flight of the imagination to discern the affect upon world freedom if circumstances should force them to be trained in or under the tutelage of the Soviet Union.

Many of the problems that face the world's population are economic, many of them are moral, many of them revolve around the use and enjoyment of natural resources. While the world contains enough natural resources for all the people in it, unfortunately, they are not distributed so as to produce that enjoyment among many of the peoples of the world. Some of the

governments which have dominated and exploited the people in the past are responsible for the seething cauldrons which we are witnessing in many parts of the world. Land and its use and enjoyment have always been, and will always be, one of the fundamental aspirations of mankind. While we have enjoyed a free and fair and prosperous distribution of land in the United States, in many over-populated countries, this constitutes the chief economic problem of the people and their governments.

I have an abiding belief that if governments in many parts of the world had dealt fairly and had kept their promises to the people in the matter of land utilization and ownership, some of the acute phases of our present problems would have been avoided. Even in parts of free Europe, the amount of land owned or occupied by the average land owner amounts to only 3 acres—a pitifully small portion of the earth's surface for one family. In many other parts, the people have had none of the earth's surface which they could call their own.

Not only land, but other natural resources and their use for the people, constitute a problem almost equal to that of land distribution, and the question of land and other natural resources not only affects other nations but it affects our own people. Vast areas of China and India are unprofitable because centuries have witnessed their waste and desolation. A generation ago, we awoke in America to the fact that 1/3 of our rich soil had washed into the oceans due to the prodigality of our forefathers who had plenty of land and saw no need to preserve the fertility of one tract when they could move on to a new virgin tract, until there was no longer any virgin land left.

We have sought to arrest this process by a program of soil conservation. We have, in connection with that, sought to protect our cities and lands in the great valleys from devastating floods and we have sought to develop these great river valleys for the enjoyment and happiness and prosperity of the people. The Tennessee Valley is an example of this effort but it is not the only one. In the great stretches of the Pacific West, we have sought to restore arid lands by the use of the waters of rivers which belong to the people, such as Grand Coulee, Bonnieville and other outstanding efforts, which only the government can

inaugurate and consummate for the benefit of the people in the use of that which belongs to them.

The Garden of Eden is traditionally believed to have been between the Tigris and Euphrates Rivers in Mesopotamia. Yet the centuries and the exploitation of unimaginative men have made almost a desert of the great Mesopotamian plains, so named because it is between the Rivers.

These conditions and these misfortunes pose the eternal question—what then is the duty of government to do? To what extent should government, as such, interpose its powers and its resources to alleviate, in the promotion of the general welfare, these conditions throughout the world and in our own country?

It has always been my belief that the great masses of mankind long for liberty. They long for the opportunity of a just government to fashion their own lives, to own their homes, to educate their children, to follow their lawful pursuits without more governmental interference than is necessary to protect the weak from the strong and the good from the evil. The extent of this governmental interposition will probably continue to be a subject of debate among theorists, politicians and statesmen for many generations to come. But if Abraham Lincoln's definition of government, and Thomas Jefferson's conceptions of its functions in pursuit of justice and equality are to be realized, the days of laissez-faire cannot be resumed either in ours or any other country.

In the solution of these difficult questions, two ideologies stand out for the approval or the rejection of the people. One is totalitarian—it is autocratic. It regards the individual as a pawn to the state, to be sacrificed and ground into the dust by the Juggernaut of power for its own sake. It takes no note of human freedom except to destroy, or of individual rights except to abolish them. It opposes all the freedoms that the free world cherishes, it scorns freedom of worship, freedom of speech, freedom of the press, freedom of assembly and all the freedoms that Democracy seeks to guarantee.

Opposed to this is the Democratic ideal built upon the enjoyment of all these freedoms and the dignity of man, without which life itself would be drab and depressive.

Our nation is the recognized leader in this fight to preserve these liberties and these dignities. It is a costly venture. It is inconvenient and troublesome, but as one of the Pinckney's said a century and a half ago: "Eternal vigilance is the price of liberty, but it is not the only price," as we are today witnessing.

Since America has been proclaimed, by reason of her position as the leader of the free nations in this struggle, our nation and our people must act like leaders. We must gird our loins with renewed determination not to allow the blessings which past generations have bequeathed to us, to vanish because of our unwillingness to defend and preserve them.

I have seen at close hand the struggle of impoverished man. I have witnessed at close hand the agonizing expressions of his countenance in suffering the ills of today while hoping for a better tomorrow. If all the peoples of the world could, by ballot, express their desires and have their expression counted as cast, the overwhelmling majority would not only favor, but would demand, peace and cooperation among the nations of the world. They would favor and demand that those things with which God has endowed the earth be used for the welfare of the people. This does not necessarily mean any conflict between government and private enterprise, but it does mean that cooperation between both are essential in guaranteeing that man shall enjoy the fruits of his labors and shall not be deprived unnecessarily or brutally of the gifts with which God has endowed him.

As a public servant, I have lived through four decades in which these conflicting ideologies have surged forward. I have witnessed two World Wars and the aftermath of two World Wars. I have seen the military and economic conflicts of these decades waged at close range. Now that I am a private citizen, I am as greatly interested in their wise and proper solution as I ever was while holding public office.

This leads me to say that government cannot do everything in the solution of these terrific problems. No form of government on any level can by itself, work out the destiny of man. Every private citizen rests under a deep obligation and a profound challenge to make his contribution to the morale of the moral and liberty-loving forces of our country and of the world to see

to it that government by, for, and of the people, shall not perish from the earth.

These things go beyond superficial political differences. They overleap the selfish ambitions of men. They transcend the boundaries of religious controversies or individual economic conditions. In this struggle, as Benjamin Franklin said in the struggle of the American Revolution: "We must hang together or hang separately."

God grant that we may hang together and that even in our day and generation, the effulgent light of human freedom and the age-old aspiration for its enjoyment among men of every location, station, color, creed or origin, may be fulfilled. This I know, because I have experienced it myself and I would be an incorrigible pessimist if I did not believe under God, someday it will come about. I have faith that the people of this great commonwealth and this great nation and the free people of all other nations will have the fortitude to endure whatever hardships may be required to purge human society of its willful and diabolical evil doors. The result will be ample reward for all our efforts and our sacrifices.

At the conclusion of the address by Mr. Barkley, Mr. Lowman moved that the Joint Session be dissolved.

Said motion was agreed to.

Mr. Lowman moved that Mr. Barkley's address to the Joint Session be spread upon the Journal.

Said motion was agreed to.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 139. AN ACT relating to rabies and dog control and livestock and dog protection, with provisions making an appropriation therefor.

H. B. No. 273. AN ACT relating to amateur radio operators.

H. B. No. 286. AN ACT relating to the promotion of the

Rural Kentucky Medical Scholarship Fund by the State Department of Health and making an appropriation therefor.

H. B. No. 340. AN ACT relating to powers and duties of boards of park commissioners in second-class cities, and amending Section 97.440 of the Kentucky Revised Statutes.

H. B. No. 28. AN ACT relating to special circuit judges of the Commonwealth of Kentucky.

H. B. No. 339. AN ACT relating to police departments in second-class cities taking charge of lost or stolen property coming into possession of such police departments and providing for the disposition of unclaimed property by police departments in second-class cities.

H. B. No. 387. AN ACT to permit County Hospitals to provide liability and indemnity insurance for the protection of their patients against the negligence of their employes.

H. B. No. 208. AN ACT relating to the Financial Responsibility Law.

H. B. No. 319. TEACHERS' RETIREMENT ACT

H. B. No. 322. TEACHERS' RETIREMENT ACT

H. Res. No. 26. A JOINT RESOLUTION authorizing payment of a claim by Corbitt Hurt against the Department of Highways and the Commonwealth of Kentucky.

H. B. No. 347. AN ACT relating to employes of city-county boards of health of cities of the first class and counties containing such cities.

H. B. No. 350. AN ACT relating to the establishment of public pounds for animals in counties containing a city of the first class.

H. B. No. 345. AN ACT relating to terms of Court in the 38th Judicial District.

H. Res. No. 41. A RESOLUTION directing the Judicial Council to conduct a study of the divorce laws of this state, etc.

H. B. No. 371. AN ACT relating to actions for settlement of estates, etc.

H. B. No. 394. AN ACT relating to the terms of court in Marshall County Circuit Court.

H. B. No. 169. AN ACT relating to the appointment and compensation of police court clerks in cities of the second class, etc.

H. B. No. 321. AN ACT relating to airport boards, etc.

H. B. No. 218. AN ACT relating to pension fund sources for policemen's and firemen's pension fund, etc.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only, and

Ordered that said bills and resolutions be placed in the Orders of the Day.

Mr. Breathitt moved that H. B. No. 28 be made a Special Order of the Day for Friday, February 26, 1954, at 10:00 A. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 186. AN ACT relating to the condemnation of property for the transportation of material from a mine or quarry.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 277.040 of the Kentucky Revised Statutes is amended to read as follows:

Any person operating a mine or a stone quarry within three (3) miles of any railroad or navigable stream may, for the purpose of transporting material between the railroad or stream and

the mine or quarry, construct and operate a line of railroad, truck road, overhead conveyor, or pipeline from the mine or quarry to the most convenient and accessible point on the railroad or stream, and may, under KRS 416.010 to 416.080, condemn the land necessary for tract, truck road, or supports for conveyor, or pipeline, not exceeding fifty (50) feet in width for each track, roadway, conveyor, or pipeline necessarily constructed, and the land for necessary buildings at the railroad or stream, not exceeding two (2) acres. The owner or operator of such railroad shall be governed by the laws relating to other railroads, so far as applicable, and shall have the same rights and privileges granted to corporations owning and operating railroads.

Mr. Wathen offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, by deleting the language on lines 6 through 12 inclusive and substituting in lieu thereof the following:

"the mine or quarry, construct and operate a line of railroad, or overhead conveyor from the mine or quarry to the most convenient and accessible point on the railroad or stream, and may, under the general laws on condemnation, condemn the land necessary for track or supports for conveyor not exceeding fifty (50) feet in width for each track or conveyor necessarily constructed, and the"

Said motion was disagreed to.

Said amendment rejected.

Mr. Morgan moved that H. B. No. 186 be recommitted to the Committee on Kentucky Statutes No. 1, to which it had been previously referred.

With the consent of the House, Mr. Morgan withdrew said motion.

Mr. Maglinger moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispersed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	W. L. Hadden	Walter R. Moorman
Walter J. Bailey	C. Ruby Harralson	Goebel W. Newsom, Jr.
John Rhea Banton	George F. Harris	Foster Ockerman
Leo A. Bleemel	Henry R. Heyburn	Louis T. Peniston
J. Murray Blue	Chester J. Holsclaw	Edward D. Pollitte
John Young Brown	Varna Holt	Russell Reynolds
Charles W. Buchanan	William M. Horn	William A. Routh
Paul Cobb	William L. Jones	Cecil C. Sanders
William J. Conley	Talmage Lacy	LeRoy Saylor
Charles W. Craig	Harry King Lowman	Will Tom Wathen
W. Marvin Davis	William E. Maglinger	Warren D. Williams
Harold Edmonds	Damon Majors	Charles W. Wirsch
Cabell D. Francis	William C. Mann	Paul E. Young
	Alton B. Mitchell	—40

Those who voted in the negative were—

Clarence J. Barnum	J. C. Bradley	Harold G. Helm
Wallace Bartley	Edward T. Breathitt, Jr.	Lon C. Hill
Charles E. Baumgardner, Sr.	Cassius M. Clay	Estill R. Hilton
Owen Billington	R. Josh Cosby	Jennings H. Kearby
		James W. Lambert

George H. Lovelace	Robert K. Montgomery	Mrs. Thelma L. Stovall
Ralph E. McClanahan	Fred Morgan	C. Waitman Taylor
Caleb McFadden	Eddie J. Morris	James Treadway
William J. Marcum	Robert Reid	Eulick Walsh
George R. Martin	Lloyd E. Rogers	Walker H. Wiseman
Carl D. Melton	W. R. Smith	Dr. Clyde D. Wooton

—31

Resolved that the title thereof be as aforesaid.

Mr. Maglinger moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Moorman and Mr. Everett.

H. B. No. 436. AN ACT relating to regulation of the sale and distribution of commercial feeds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be administered by the Director of the Kentucky Agricultural Experiment Station of the state of Kentucky, hereinafter referred to as the "director".

Section 2. As used in this Act:

(1) "Person" includes individual, partnership, corporation, firm, association, and agent;

(2) "Distribute" means to offer for sale, sell, barter, or otherwise supply commercial feeds;

(3) "Sell" or "sale" includes exchange;

(4) "Commercial feed" means all materials which are distributed for use as feed for animals except unmixed or unprocessed whole seeds; unground hay; and whole or ground straw, stover, silage, cobs, and hulls when not mixed with other materials;

(5) "Brand" means the term, design, or trademark and other specific designation under which an individual commercial feed is distributed in this Commonwealth;

(6) "Label" means a display of written, printed, or graphic matter upon the container in which a commercial feed is distributed;

(7) "Ton" means a net weight of two thousand pounds, avoirdupois;

(8) "Percent" or "percentage" means percentage by weight;

(9) "Official sample" means any sample of commercial feed taken by the director or his agent.

Section 3. (1) Each brand of commercial feed shall be registered before being offered for sale, sold, or otherwise distributed in this Commonwealth. The application for registration shall be submitted to the director on forms furnished by the director, and if the director so requests shall also be accompanied by a proposed label or other printed matter describing the product. All registrations are considered permanent unless new registrations are called for by the director or modified by the applicant in accordance with the terms of this Act. The applications shall include the following information:

(a) The name and principal address of the person guaranteeing the commercial feed;

(b) The name or brand under which the commercial feed is to be sold;

(c) The guaranteed analysis, listing the minimum percentage of crude protein, minimum percentage of crude fat, and

maximum percentage of crude fiber. For mineral feeds the list shall include the following, if added: Minimum and maximum percentage of calcium, minimum percentage of phosphorus, minimum percentage of iodine, and minimum and maximum percentages of salt. Other nutritional substances or elements, determinable by laboratory methods, may be guaranteed by permission of the director. Other such items shall be guaranteed and subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the director. Products sold solely as mineral or vitamin supplements, or both, and guaranteed as specified in this Act need not show guarantees for protein, fat and fiber;

(d) The common or usual English name of each ingredient used in the manufacture of the commercial feed.

(2) A distributor shall not be required to register any brand of commercial feed which is already registered under this Act by another person.

(3) Changes in the guarantee of either chemical or ingredient composition of a commercial feed may be permitted provided satisfactory evidence is submitted showing that such changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

(4) The director is empowered to refuse registration of any application not in compliance with all provisions of this Act and to cancel any registration when it is subsequently found to be in violation of any provision of this Act or when he has satisfactory evidence that the registrant has used fraudulent or deceptive practices in attempted evasion of the provisions of this Act or regulations thereunder. No registration shall be refused or cancelled until the registrant shall have been given opportunity to be heard.

Section 4. (a) Any commercial feed offered for sale or sold or otherwise distributed in this Commonwealth in bags, barrels, or other containers shall have placed on or affixed to the container in written or printed form the net weight and the information required by paragraphs (a), (b), (c) and (d) of subsection (1) of Section 3 of this Act and in accordance with such regulations as may be adopted under Section 9 of this Act.

(b) If distributed in bulk, a written or printed statement of the net weight and the information required by paragraphs (a), (b), (c) and (d) of subsection (1) of Section 3 of this Act shall accompany delivery and be furnished to the purchaser.

Section 5. (1) There shall be paid to the director for all commercial feeds offered for sale, sold, or otherwise distributed in this Commonwealth an inspection fee at the rate of twenty cents per ton; provided, that sales of commercial feeds to manufacturers or exchanges between them are exempt if the commercial feeds so sold or exchanged are used solely in manufacture of feeds which are registered. When more than one person is involved in the distribution of a commercial feed, the person who distributes to the ultimate dealer or consumer is responsible for paying the inspection fee. Fees so collected shall constitute a fund for the payment of the costs of inspection, sampling, and analysis, and other expenses necessary for the administration of this Act.

(2) The manufacturer or registrant shall affix an official tag or stamp to each package of commercial feed offered for sale, sold or otherwise distributed in this Commonwealth or, in the case of bulk commercial feed, by furnishing official tags, or stamps with the invoice for the tonnage involved. The official tags or stamps required under this Act shall be issued by the director and sold to distributors at the rate provided in subsection (1) of this section in forms and denominations to be established by regulation. Tags or stamps remaining in the possession of a distributor may be used in another season or redeemed by the director on application of the purchaser or his successor, provided that the purchaser or his successor submits the unused tags or stamps for redemption within one year from the date of issue and pays the costs of printing and handling on all tags or stamps submitted. It shall be unlawful to use tags or stamps more than once or to mutilate or alter the tag or stamp. On individual packages of five pounds or less, a distributor may pay an annual fee of twenty-five dollars for each brand of commercial feed offered for sale or sold, and such distributor shall not be required to affix official tags or stamps to such packages of the brands so registered. If the actual cost of printing and handling of official tags or stamps exceeds the tonnage fee represented,

the director may charge for the total cost of such tags or stamps in addition to the tonnage fee.

(3) The director is authorized, at his discretion and under such rules and regulations as may be promulgated, to issue permits, on application therefor, to any person, firm or corporation; to ship, sell, or expose for sale in Kentucky commercial feed properly registered and labeled under Sections 3, 4 and 5 of this Act, without the use or attachment of official tags or labels purchased from the director provided such person, firm or corporation, reports quarterly under oath to the director the tonnage of feed shipped or sold for consumption in Kentucky, and pays the tonnage inspection fee thereon at the same rate per ton, as stated in subsection (1) of Section 5. Such tonnage inspection fees must be paid on all registered commercial feed as defined in Section 2 of this Act whether sold for mixing purposes or not, except in cases where a mixer has given a specific written order for delivery of unmixed meal or unmixed feed for use as an ingredient of registered feeds. The tonnage inspection fees shall be due and payable within twenty days of the end of the quarters ending December 31, March 31, June 30, and September 30 of each year, and remittance therefor shall accompany and be attached to the tonnage report. The director or his authorized agents shall have the right at all reasonable times to examine the records of applicants to verify the statements of tonnage reports. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of all registrations on file for the distributor.

Section 6. No person shall distribute an adulterated commercial feed. A commercial feed shall be deemed to be adulterated:

(1) If any poisonous, deleterious or non-nutritive ingredient has been added in sufficient amount to render it injurious to animal health;

If any valuable constituent has been in whole or part omitted or abstracted therefrom or any less valuable substance substituted therefor;

(3) If its composition or quality falls below or differs from

that which it is purported or is represented to possess by its labeling;

(4) If it contains added hulls, screenings, straw, cobs, or other high fiber material unless the name of each such material is clearly and prominently stated on the label.

Section 7. No person shall distribute misbranded feed. A commercial feed shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular;

(2) If it is distributed under the name of another feed;

(3) If its container is not labeled as required in Section 4 of this Act and in regulations prescribed under this Act;

(4) If it purports to be, or is represented as, a commercial feed for which a definition of identity and standard of quality has been prescribed by regulation unless it conforms to such definition and standard;

(5) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(6) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the director determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses.

Section 8. (1) It shall be the duty of the director, who may act through his authorized agent, to sample, inspect, make analysis of, and test commercial feeds distributed within this Commonwealth at such time and place and to such an extent as he deems necessary to determine whether such commercial feeds are in compliance with the provisions of this Act. The director, individually or through his agent, is authorized to enter upon any public or private premises during regular business hours in

order to have access to commercial feeds subject to the provisions of this Act and the rules and regulations pertaining thereto.

(2) The methods of sampling and analysis shall be those adopted by the director from sources such as the Journal of the Association of Official Agricultural Chemists.

(3) The director, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided solely by the official sample as defined in subsection (9) of Section 2 of this Act and obtained and analyzed as provided for in subsection (2) of Section 8 of this Act.

(4) When the inspection and analysis of an official sample indicate a commercial feed has been adulterated or misbranded, the results of analysis shall be forwarded by the director to the distributor and the purchaser. Upon request, within thirty days, the director shall furnish to the registrant a portion of the sample concerned.

Section 9. The director is hereby charged with the enforcement of this Act, and after due publicity and due public hearing is empowered to promulgate and adopt such reasonable rules and regulations as may be necessary to carry into effect the full intent and meaning of this Act. The director is hereby empowered to adopt regulations establishing definitions and standards for commercial feeds and such other regulations as may be necessary for the enforcement of any provision of this Act.

Section 10. (1) When the director or his authorized agent has reasonable cause to believe a commercial feed is being distributed in violation of any of the provisions of this Act, or of any of the regulations prescribed under this Act, he may issue and enforce a written or printed "withdrawal from sale" order warning the distributor not to dispose of the feed in any manner until written permission is given by the director or the court. The director shall release the commercial feed so withdrawn when the provisions and regulations have been complied with and all costs and expenses incurred in the withdrawal have been paid. If compliance is not obtained within thirty days, the director shall begin proceedings for condemnation.

(2) Any lot of commercial feed not in compliance with the

provisions of this Act shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the county in which such commercial feed is located. In the event the court finds the said commercial feed to be in violation of this Act and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the Commonwealth; provided, that in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or re-label said commercial feed to bring it into compliance with this Act.

Section 11. (1) Any person convicted of violating any of the provisions of this Act or the rules and regulations issued thereunder, or who impedes, obstructs, hinders, or otherwise prevents or attempts to prevent said director or his duly authorized agent from carrying out his duties in connection with the provisions of this Act, shall be guilty of a misdemeanor and shall be fined not less than twenty-five or more than one hundred dollars for the first violation, and not less than fifty nor more than five hundred dollars for each subsequent violation. In all prosecutions under this Act involving the composition of a lot of commercial feed, a certified copy of the official analysis signed by the director shall be accepted as prima facie evidence of the composition.

(2) Nothing in this Act shall be construed as requiring the director or his representative to report for prosecution or for the institution of seizure proceedings a minor violation of the Act, when he believes that the public interests will be best served by a suitable warning in writing.

(3) It shall be the duty of each county attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the director reports a violation for such prosecution, an opportunity shall be given the distributor to present his view to the director.

(4) The director is hereby authorized to apply for, and the court to grant, a temporary or permanent injunction restrain-

ing any person from violating or continuing to violate any of the provisions of this Act or any rule or regulation promulgated under the Act, notwithstanding the existence of other remedies at law. Said injunction shall be issued without bond.

Section 12. The director shall publish at least once each year, in such forms as he may deem proper, information concerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable, and a report of the results of the analysis of official samples of commercial feeds sold within the Commonwealth as compared with the analysis guaranteed in the registration and on the label; provided, however, that the information concerning production and use of commercial feeds shall not disclose the operations of any person.

Section 13. All laws and parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Section 14. This Act shall become effective on July 1, 1954.

By Mr. Kearby, Mr. Clay and Mr. Brown.

H. B. No. 437. AN ACT relating to elections and providing therein for the election of candidates to the national party nominating convention by a presidential preference primary, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 119.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (3) and (4) of this section and in KRS 119.030, every political party shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary election held as provided in this chapter, and the governing authority of any political party shall have no power to nominate any candidate for any elective office or to provide any method of nominating candidates for any elective office other than by primary elections as provided in this chapter.

(2) Any political organization not constituting a political party as defined in KRS 119.010 may make its nominations as provided in KRS 118.090.

(3) If a vacancy occurs in a nomination made by primary, after the primary and before the ballots are printed for the regular election, the governing authority of the party may provide for filling the vacancy. When such a nomination has been made, the certificate of nomination shall be signed by the chairman and secretary of the governing authority of the party making it, and shall be filed in the same manner as certificates of nomination at a primary election.

(4) This chapter does not apply to candidates for subdistrict school trustees, members of boards of education, members of the legislative bodies of cities of the fifth or sixth class, or presidential electors, nor to candidates for mayor, police judge or commissioner in cities of the fourth class operating under the commission form of government and in cities of the second, third or fourth class operating under the city manager form of government.

(5) Every political party shall elect the delegates and alternate delegates to the national nominating convention held in presidential election years by a primary election, in which it shall also permit the registered voters of its party to express their preference among presidential candidates whose names have been filed for such election.

Section 2. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hours of 6:00 a.m. and 5:00 p.m. at the regular polling places in each election precinct, except that in presidential years the primary election shall be held on the third Saturday in May, between the hours of 6:00 a.m. and 5:00 p.m. at the regular polling places in each election precinct.

Section 3. (1) Any person who is qualified under KRS 119.200 to vote in any primary election for the candidates for

nomination by the party at whose hands he seeks election as a national convention delegate or alternate delegate, shall have his name printed on the official ballot of his party for the office of district delegate or alternate district delegate to the national presidential nominating convention, upon filing with the Secretary of State at least sixty days prior to the presidential preference primary a petition containing the names of at least one hundred qualified electors of his party, duly registered in his congressional district, and a notification and declaration.

(2) The notification and declaration shall be in the following form:

"Notification and Declaration of _____for election to the office of district delegate to the national presidential nominating convention from the _____ congressional district of Kentucky.

To the Secretary of State,
Commonwealth of Kentucky.

"For the purpose of having my name placed on the official primary election ballot as a candidate for election by the_____ Party, I, _____ (Name in full, as desired in ballot) do solemnly swear that I reside at No. _____, _____ in
street or road
_____ State of Kentucky, and that I am a registered
city or county
_____ voter and bona fide member of that Party in
Party
_____ precinct, _____; that I believe in and
city or county
subscribe to the principles of the _____Party, and intend to support its principles and policies and vote for its nominees at the coming regular election; that I was affiliated with such party and supported its nominees at the last regular election and the last presidential election, or was prevented from doing so by reason of _____;
state reason here
that if nominated as a delegate or alternate delegate of such

party at the ensuing election, I will accept the election and not withdraw; that I will not knowingly violate any election law or any law relating to corrupt and fraudulent practice in campaigns and elections in this state, and if elected I will qualify for the office.

"I pledge myself to support the candidacy of _____ for the _____ nomination for the Presidency of the Party United States and I promise to vote for that candidate at the forthcoming national convention of my party until either released by my candidate or until that candidate fails to receive at least ten percent of the total vote cast for all presidential candidates on any convention ballot after the first ballot cast at the forthcoming national convention of my party.

"I further solemnly swear that I am a bona fide candidate for election and am honestly seeking the office for which this notification and declaration is filed; that I expect to make a campaign for election and am not running in the interest of any other candidate, group or faction or to promote any interest other than that of the public; that I am in no sense a pretended, fictitious or "dummy" candidate, and am not filing as candidate for the purpose of influencing or controlling or attempting to influence or control a selection of challengers or inspectors or officers of election; that it is my honest purpose to be and remain a candidate through the primary election; that I have not been persuaded, urged, solicited, influenced or induced to file this notification and declaration by any person in furtherance of the interests of any other candidate.

_____
Signature of Candidate

"Subscribed and sworn to before me by _____ this _____ day of _____, 19____.

_____
Signature of Officer

_____
Title of Officer

(3) The petition which each candidate for district dele-

gate must file at the time of filing his notification and declaration shall be in the following form:

"We, the undersigned, declare that we are qualified electors, registered at the addresses and in the counties shown opposite our names below, and members of the _____ Party, and were affiliated with that party and supported its nominees at the last regular election, and we hereby sign this petition to nominate _____, registered voter of our
Name of Candidate

party, as a delegate to the national presidential nominating convention of the _____ Party, from the _____ congressional district of Kentucky, with the understanding that he has pledged himself to the support of _____ for the presidential nomination of our party until such time as that candidate shall release him from his pledge or until that candidate fails to receive at least ten percent of the votes cast on any ballot at the presidential nominating convention after the first ballot shall have been cast."

Name	*Address*	*City*	*County*
_____	_____	_____	_____
_____	_____	_____	_____

(4) The filing of a notification and declaration for a candidate for the presidential nomination shall be performed either by himself or by his duly authorized campaign manager, named by him for his campaign in Kentucky, and shall be accompanied by a petition signed by at least one thousand registered qualified electors of Kentucky, which papers must all be filed with the Secretary of State at least sixty days prior to the presidential preference primary.

(5) The notification and declaration by a presidential candidate shall be in the following form:

"Notification and Declaration

"Of _____ for candidacy to become a nominee for the office of President of the United States.

"To the Secretary of State
"Commonwealth of Kentucky

"For the purpose of having my name or the name of_____ (if signed by his campaign manager) placed on the official primary election ballot as a candidate for nomination for the Presidency of the United States by the _____ Party, I, _____, or _____, duly authorized campaign manager for _____, do solemnly swear
he is
that I am a bona fide member of the _____ Party; that I do believe in the principles of the _____ Party,
he does
and intend to support its principles and policies and vote for its nominees in the coming regular presidential election; that I was
he
affiliated with such party and supported its nominees at the last regular election and last presidential election, or was prevented from doing so by reason of _____;
state reason here

that if nominated as a candidate of such party at the ensuing presidential election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law relating to corrupt and fraudulent practice in campaigns or elections in this state, and if finally elected, I will qualify for
he
the office of President.

"I further solemnly swear that I am a bona fide candidate
he is
for nomination and am honestly seeking the office for which this
is
notification and declaration is filed; that I do expect to make a
he does
campaign for the nomination, and I am not running in the in-
he is
terest of any other candidate, group, or function or to promote any interest other than that of the public; that I am in no sense a
he is
pretended, fictitious, "dummy," or "Stalking horse" candidate, and I am not filing as candidate for the purpose of influencing
he is
or controlling or attempting to influence or control a selection of

challengers, or inspectors or officers of election; that it is my his honest purpose and intention to be and remain a candidate through the presidential nominating convention; that I have not he has been persuaded, urged, solicited, influenced, or induced to file this notification and declaration by any person in furtherance of the interests of any other candidate.

_____
(Signature of candidate or his duly authorized campaign manager)

"Subscribed and sworn to before me by _____ this _____ day of _____, 19____.

_____
(Signature of Officer)

_____
(Title of Officer)

The declaration shall be subscribed and sworn to by the person making it before an officer authorized to administer an oath.

(6) The person filing as a presidential candidate, or his duly authorized campaign manager shall also file with the Secretary of State a notification and declaration for a slate of all candidates for delegates-at-large and alternate delegates-at-large to the national presidential nominating convention who are pledged to support his candidacy and for each of them an oath of party loyalty. These papers shall be filed at least sixty days before the primary election.

(7) The notification and declaration for the slate of candidates for delegates-at-large and alternate delegates-at-large from Kentucky shall be in the following form:

"Notification and Declaration

"On behalf of a slate of candidates for delegates-at-large and alternate delegates-at-large pledged to the support of_____ _____ for candidacy to become a nominee for the office of President of the United States.

"To the Secretary of State
"Commonwealth of Kentucky

"For the purpose of having the names of

_____, residing at _____
No. Street City County
_____, " " _____
_____, " " _____
_____, " " _____

placed on the official primary election ballot as candidates for election as delegates-at-large and

_____, " " _____
No. Street City County
_____, " " _____
_____, " " _____
_____, " " _____

placed on the official primary election ballot as candidates for election as alternate delegates-at-large by the _____ Party, I, a candidate for President of the United States, or the duly authorized campaign manager in Kentucky for _____, solemnly swear that they reside at the addresses shown above and are registered _____ Party electors of the county or city shown above opposite their names; that they believe in the principles of the _____ Party, and are affiliated with such party; that if elected as delegates-at-large or alternate delegates-at-large to the national presidential nominating convention of such party at the ensuing election, they will accept the election and not withdraw; that I will not knowingly violate any election law or any law relating to corrupt and fraudulent practice in the campaign or election on their behalf

_____
Signature of Presidential Candidate or
his duly authorized campaign manager.

"Subscribed and sworn to before me by _____ this _____ day of _____, 19____.

_____
Signature of Officer

_____
Title of Officer"

(8) The candidates for delegate-at-large and alternate delegate-at-large from Kentucky to the national presidential nominating convention of their party shall each execute the following oath and either file it or have it filed for them with the Secretary of State at least sixty days before the primary election as a condition for completing their candidacy:

"I do solemnly swear that I am a bona fide candidate for election as delegate-at-large / alternate delegate-at-large from Kentucky to the national presidential nominating convention of the _____ Party; that I am a bona fide member of and a duly qualified voter registered in that party in _____; that I believe in
city or county

and subscribe to the principles of that party and will support its principles and policies and vote for its nominees in the forthcoming regular election; that I supported the principles and policies and voted for that party in the last regular election, or was prevented from doing so by reason of _____;
state reason here

that I expect to make a campaign for election and am not running in the interest of any other candidate, group or faction or to promote any interest other than that of the public; that I am in no sense a pretended, fictitious or 'dummy' candidate and am not filing as a candidate for the purpose of influencing or controlling or attempting to influence or control a selection of challengers or inspectors or officers of election; that it is my honest purpose to remain a candidate through the primary election; that I have not been persuaded, urged, solicited, influenced or induced to file for this office by any person in furtherance of the interests of any other candidate; and I pledge myself, if elected, to work for the nomination of _____ as President of the United States and to vote for his nomination at the _____ national convention until either he releases me from such pledge or until he fails to receive at least ten per cent of the total vote cast in any ballot after the first ballot at that convention.

_____
Signature of candidate delegate or alternate

"Subscribed and sworn to before me by_____
this _____ day of _____, 19____.

_____
Signature of Officer

_____
Title of Officer"

(9) The presidential candidate or his duly authorized campaign manager who files his notification and declaration of candidacy shall also file with the Secretary of State at the same time a petition signed by at least one thousand registered voters of this state, and such petition shall be in the following form:

"We the undersigned qualified voters of Kentucky, duly residing at the addresses shown below and registered as members of the _____ Party, do hereby petition to have placed on the primary election ballot _____ as candidate for President of the United States and also to have placed on the same ballot the names of _____, _____, _____, _____, _____, _____, as delegate-at-large candidates pledged to support him, and the names of _____, _____, _____, _____, _____, _____, as alternate delegate-at-large candidates pledged to support him.

Name of Voter

_____, residing at _____
No. Street City County

_____, " " _____
_____ " " _____

(10) Any group of qualified registered voters may petition to enter on the primary ballot the name of any person as a presidential candidate of their party and a slate of delegate-at-large and alternate delegate-at-large candidates pledged to support him by filing with the Secretary of State at least sixty days before the primary a petition signed by at least two thousand registered voters of their party and which is in the following form:

"We the undersigned qualified voters of Kentucky, duly residing at the addresses shown below and registered as members of the _____ Party, do hereby petition to have placed on the primary election ballot the name of _____ as candidate for President of the United States and also to have placed on the same ballot the names of _____, _____, _____, _____, _____, _____, as delegate-at-large candidates pledged to support him, and _____, _____, _____, _____, _____, as alternate delegate-at-large candidates pledged to support him.

Name of Voter

_____ residing at _____
No. Street City County

_____ " " _____
_____ " " _____

(11) A petition filed by a group of qualified voters to enter on the primary ballot the name of a presidential candidate and a slate of candidates for delegates-at-large and alternate delegates-at-large shall be supported by filing at the same time with the Secretary of State the oath prescribed in subsection (9) for each such candidate for delegate-at-large and alternate delegate-at-large.

(12) Any person whose name has been filed for candidacy for the Presidency of the United States by the process of petition set forth in section 11, without any positive action on his part, may withdraw his candidacy at any time up to forty-five days before the primary election by writing or wiring his request for withdrawal directly to the Secretary of State. Such withdrawal on the part of the presidential candidate shall have the effect of automatic cancellation of the candidacy of all delegate-at-large and alternate delegate-at-large candidates pledged to him.

(13) Any and all persons whose names have been written in on the ballot and who have been elected as delegates-at-large, alternate delegates-at-large, or district delegates to the national presidential nominating convention of their party shall be required to file with the Secretary of State within ten days after

certification of their election a duly executed oath of party loyalty. Failure to file such oath of party loyalty within the time limit shall automatically disqualify such persons elected as a result of write-in nomination from serving as delegates or alternate delegates. The oath of party loyalty they must execute shall be in the following form:

"I, _____, do solemnly swear that I am a duly
name of person
qualified registered _____ voter, residing at
party
_____;
that I believe in the principles of the _____ Party, and intend to support its principles and policies and vote for its nominees in the coming regular election; that I am a bona fide member of and was affiliated with such party and supported its nominees at the last regular election or was prevented from doing so by reason of _____; that I intend
state reason here
to serve as a delegate to the national presidential
alternate delegate
nominating convention of the _____ Party.

_____
Signature of Delegate or Alternate Delegate

"Subscribed and sworn to before me by _____ this _____ day of _____, 19____.

_____
Signature of Officer

_____
Title of Officer"

(14) When the required notifications and declarations petitions and oaths provided in the foregoing sections have been filed with the Secretary of State at the proper time, the Secretary of State shall certify the candidates' names to the county clerks of the various counties as provided in KRS 119.130 for the purpose of having the candidates' names printed on the ballot to be used in the primary election held the third Saturday in May during presidential election years.

Section 4. Section 119.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Candidates for offices to be voted for by the electors of one county or of a district less than one county, except members of Congress, shall file their nominating papers with the county clerk of the county at least forty-five days before the primary election. Candidates for offices to be voted for by the electors of more than one county, and for members of Congress, shall file their nomination papers with the Secretary of State at least fifty-five days before the primary election.

(2) The provisions of subsection (1) shall not apply to candidates for the presidency of the United States, district delegates, delegates-at-large, and alternate delegates-at-large to the national party nominating conventions who shall file their nomination papers and other necessary accompanying papers, or have them filed to the extent permitted in section 3, with the Secretary of State at least sixty days before the primary election to be held the third Saturday in May during presidential years.

Section 5. Section 119.150 of the Kentucky Revised Statutes is amended to read as follows:

The order in which the different offices are printed on the primary ballot shall be the same as in the case of regular elections, except that during presidential election years the first names to appear on the ballot shall be the candidates for President of the United States, delegates-at-large, alternate delegates-at-large and district delegates. The office of United States Senator shall, however, come first when candidates for that office are to be nominated in other than presidential election years.

Section 6. Section 119.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a separate ballot for each political party at the primary election. The ballots shall be printed in substantially the same manner as provided by law in the case of regular elections, except that on the back of the ballot shall be printed "Official Primary Ballot," and at the head thereof shall be printed "Official Primary Ballot" together with the proper party name and the party emblem. The party emblem in each case

shall be the same as that used at the last preceding regular election, unless sixty days before the primary election the proper party authority certifies a different emblem to the Secretary of State, in which event the Secretary of State shall certify the new emblem to the county clerks as provided in KRS 119.130. The official ballots shall be printed in black ink upon a good quality of white ballot paper. The arrangement of each ballot shall be exactly the same for each political party, and the size and the printing shall be the same for each political party. The ballots shall be printed so as to give each voter a clear opportunity to designate his choice of candidates for nomination by making with the stencil a cross in the square after the name of each candidate for whom he wishes to vote for nomination, and on the ballot may be printed such words as "Vote for one," "Vote for two," and the like, to inform the voter of the number of candidates for whom he is entitled to vote for each office. Duplicate impressions of the ballots for each political party voted for at every primary election shall be printed upon cheaper colored paper. These colored ballots shall be used solely as sample ballots for the information and convenience of voters, and shall not be voted or counted.

(2) Ballots for the primary election conducted during presidential election years shall list in a column under each presidential candidate filed in this state all delegate-at-large candidates, alternate delegate-at-large candidates, and district delegate candidates pledged to support his candidacy at the national presidential nominating convention of his party. There shall be one square after the name of each presidential candidate and one square after the name of each district delegate so that voters will clearly have the opportunity to vote for a presidential candidate, with that vote counting for him and his entire slate of delegates-at-large and alternate delegates-at-large candidates, and also to vote separately for as many district delegates as the congressional district in which they reside is entitled to send to their party convention. Space shall also be left for write-in candidates.

Section 7. The counting of votes for presidential candidates, delegate-at-large candidates, alternate delegate-at-large candidates, and district delegates shall be conducted as follows:

(1) A vote for a presidential candidate shall be counted not only as a vote for him but also as a vote for the entire slate of delegate-at-large and alternate delegate-at-large candidates pledged to him. The presidential candidate who obtains at least a plurality of all votes cast in the state at large in this primary election within his party shall win all delegate-at-large and alternate delegate-at-large offices for the slate of candidates pledged to him.

(2) For district delegates, only those pledged to the presidential candidate who has received at least a plurality of all votes cast in his party in the congressional district for presidential candidates shall be counted. Then among those candidates pledged to the winning presidential candidate in the congressional district, that candidate who has received the highest number of votes cast for any delegate so pledged shall be declared elected. If the district is entitled to another delegate, the next highest candidate shall be declared elected, and so on until all district delegate offices are filled. That candidate who ranks next in number of votes received after all district delegate offices are filled, shall be declared elected alternate district delegate, and the next highest after him alternate district delegate, if the congressional district is entitled to more than one alternate district delegate, and so on, until all alternate district delegate offices are filled.

Section 8. Subsection (3) of Section 119.230 of the Kentucky Revised Statutes is amended to read as follows:

(3) The State Board of Election Commissioners shall issue certificates of nomination where the successful candidates were voted for by the state at large or by a district greater than one county. During presidential election year certificates of election shall be issued by the State Board to all successful delegates-at-large, alternate delegate-at-large, district delegates, and alternate district delegate candidates. On the fourteenth day after the primary election, the State Board of Election Commissioners shall meet at the Capitol and canvass the returns of the primary that have been certified and filed with the Secretary of State. After the board has completed the tabulation and canvass of the returns it shall immediately certify to the same, issue certificates

of nomination, or certificates of election as required herein, to the successful candidates, file the original certificates of nomination as provided in KRS 118.120 and KRS 118.130, and send copies of such certificates to the successful candidates. The state board shall forward all original certificates of election required herein to the elected candidate unless he has failed to comply with KRS 123.070. The duplicate shall be retained in the office of the board.

Section 9. Any vacancy occurring among the offices of alternate delegate-at-large, after the time of the primary election and before the convening of the national presidential nominating convention of the party which suffers a vacancy for any reason, such as death, resignation or disqualification of an elected delegate or alternate delegate, shall have such vacancy filled as the party rules of that party prescribe. However, vacancies arising among alternate district delegates shall be filled by certification by the State Board of Election Commissioners of the next highest alternate district delegate, in the votes cast in the primary election, next following the least number of those votes previously necessary to elect an alternate delegate.

Section 10. Any candidate for delegate-at-large, alternate delegate-at-large, district delegate, or district alternate delegate, who violates the Corrupt Practice Act in the primary election cannot serve in the office to which he has been elected.

Section 11. Section 118.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (3) of this section, a candidate for any office to be voted for at any regular election may be nominated by a petition of electors qualified to vote for him, complying with the provisions of subsection (2) of this section.

(2) Except as provided in subsection (3) of this section, a petition of nomination for a state officer, or any officer for whom all the electors of the state are entitled to vote, shall contain one thousand petitioners; for a representative in Congress from any congressional district, or for an officer from any other district except as herein provided, four hundred petitioners; for a county

officer or member of the General Assembly, one hundred petitioners; for an officer of a precinct or ward, or other division less than a county, twenty petitioners. The signatures of the petition need not be appended to one paper. No petitioner shall be counted unless his residence and post office address are designated. If any person joins in nominating, by petition, more than one nominee for any office to be filled, he shall not be counted as a petitioner for either nomination. The petition shall state the name and residence of each of the candidates, that he is legally qualified to hold the office, and that the subscribers desire, and are legally qualified, to vote for the candidate. The petition shall designate a brief name or title of the party or principle that the candidate represents, together with any simple figure or device by which it is desired that he be designated on the ballots.

(3) Candidates for members of boards of education shall be nominated as provided in KRS 160.220.

(4) Candidates for delegate-at-large, alternate delegate-at-large, district delegate, and district alternate delegate shall be nominated as provided in KRS Chapter 119.

Section 12. Section 118.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) Certificates and petitions of nomination shall, in the case of candidates voted for by the state at large or by a district greater than one county, be filed with the Secretary of State. In the case of candidates voted for by a county or by a district less than a county, they shall be filed with the county clerk.

(2) The provisions of subsection (1) shall not apply, insofar as they may conflict, to candidates filing nominating papers under KRS Chapter 119 for the presidential preference primary for election to the national party nominating conventions, who shall file such papers with the Secretary of State.

(3) Certificates of nomination at a primary election held under Chapter 119 shall be filed by the State Board of Election Commissioners or the county election commission, depending upon which one issued the certificate. Certificates and petitions of nomination made under KRS 118.080, 118.090, 119.020 or

119.030 shall be filed by the candidate or by someone on his behalf.

Section 13. Section 116.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) A bona fide candidate, as used in KRS 116.090 and 116.100, means one who is seeking nomination, or election as a delegate-at-large, alternate delegate-at-large, district delegate or district delegate-at-large to a national convention of a political party, according to law, who honestly seeks the office for which he announces, who expects to make a campaign for the office and who is not supported by any group or faction who through the support of this candidate seeks to promote the welfare of another.

(2) Any candidate may question the bona fides of any other candidate by summary proceedings consisting of a motion before the circuit court, or before the circuit judge, if the court is in vacation, of the district in which the candidate whose bona fides is questioned resides. The motion shall be tried summarily and without delay, and a hearing before the judge shall be considered a special term for the purpose. Proof may be heard orally, and upon motion of either party shall be officially reported. If the circuit judge of the district in which the proceedings is filed is disqualified or absent from the county or is himself a candidate, the proceedings may be presented to, heard and determined by the circuit judge of any adjoining judicial district. In any county having more than two circuit judges the motion shall be made to and tried by a majority of the circuit judges and the concurrence of a majority of the circuit judges is required to render a decision.

(3) In any action or proceeding under this section or under KRS 116.100 the burden of proof as to the bona fides of a candidate shall be on the person asserting or claiming such bona fides.

(4) If the court finds the candidate is not a bona fide candidate it must so order, and certify the fact to the election commission, and the candidate's name shall be stricken from the written designation of election officers filed with the commission and not counted in the percentage provisions required in KRS 116.090,

or the court may refuse recognition or relief in a mandatory or injunctive way. The order of the circuit court shall be entered on the order book of the court and shall be subject to a motion to set aside in the Court of Appeals. The motion shall be heard by the Court of Appeals or a judge thereof in the manner provided for dissolving or granting injunctions, except that the motion must be made before the court or judge within five days after the entry of the order in the circuit court, and may be heard and tried upon the original papers, and the order of the Court of Appeals or judge thereof shall be final.

(5) No person shall approach the circuit judge for the purpose or view of influencing his decision on the motion pending before him or to be tried by him.

Section 14. Section 123.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Candidates for nomination or election to any state, county, city or district office may make expenditures, or expenditures may be made for them, for the purpose of employing and paying clerks and stenographers, for printing and advertising, for securing suitable halls for public speaking, for suitable headquarters, for stationery and stamps, and for actual traveling expenses, within the limits prescribed by this section.

(2) No candidate for nomination to any of the following offices in a primary election or before a party convention shall expend, including in his expenditures the amounts expended on his behalf by others, more than the amount set opposite the office in the following table, nor shall an equal amount be exceeded in the final election:

(a) Governor, $10,000.

(b) Office from the state at large other than Governor, $5,000.

(c) Judge of the Court of Appeals or Railroad Commissioner, $3,000.

(d) State Senator, $1,000.

(e) State Representative, $750.

(f) Circuit judge or Commonwealth's attorney, $2,500.

(g) County office in county having city of first class, $2,500.

(h) County office in county having city of second class, $2,000.

(i) County office in county having city of third class, $1,500.

(j) County office in county not having city of first, second or third class, $1,000.

(k) City office in city of first class, $5,000.

(l) Presidential candidates, $1,000.

(m) Offices other than those enumerated in paragraphs (a) through (l), $500.

Section 15. Subsection (2) of Section 126.140 of the Kentucky Revised Statutes is amended to read as follows:

(2) "Election" means any regular election, primary election or special election, for any federal, state, district, county or city office, including delegates to a presidential convention, school district offices, and any election upon a public question.

By Mr. Maglinger and Mr. Buchanan.

H. B. No. 438. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statute 342.140 is amended to read as follows:

"Unless the context otherwise requires, 'average weekly earnings' means the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of fifty-two weeks immediately preceding the date of the injury, divided by fifty-two; but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of the fifty-two weeks shall be divided by the

number of weeks remaining after the time so lost has been deducted. When the employment prior to the injury extended over a period of less than fifty-two weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided results fair and just to both parties will be thereby obtained. When by reason of a shortness of time during which the employee has been in the employment of his employer or the casual nature or terms of his employment it is impractical to compute the average weekly earnings as above defined, regard shall be had to the average weekly amount which during the fifty-two weeks previous to the injury was being earned by a person of the same grade and character employed in the same class of employment in the same locality or community.

But when for exceptional reasons the foregoing would be unfair either to the employer or employee, such other method of computing average weekly earnings may be resorted to as will most nearly approximate the amount which the injured employee would be earning were it not for the injury.

Whenever allowances of any character made to an employee in lieu of wages are a specified part of the wage-contract, they shall be deemed a part of his earnings.

By Mr. Fitzpatrick.

H. B. No. 439. AN ACT relating to the establishment by the Department of Welfare of five convalescent homes for the aged in five sections of the Commonwealth, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Welfare is hereby authorized and empowered to establish five convalescent homes for the aged in the eastern, western, northern and southern sections of the Commonwealth and in the city of Louisville, one in each of such locations, the exact locations to be determined by the Department of Welfare.

Section 2. In order to finance the construction of the convalescent homes for the aged provided for in this Act, the Department of Welfare may borrow money and issue negotiable revenue bonds in accordance with Chapter 58 of the Kentucky Revised Statutes, and may accept gifts and donations as provided in KRS 58.030 to pay for such revenue bonds. Fees charged inmates of the homes provided for in this Act shall also be applied in payment of such revenue bonds.

Section 3. The Department of Welfare is empowered to establish and promulgate regulations governing the operation and maintenance of the homes established under this Act, the qualifications of persons seeking admission thereto, and the fees to be charged such persons.

By Mr. Kearby, Mr. Clay and Mr. Martin.

H. B. No. 440. AN ACT relating to rural telephone cooperatives, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (8) of Section 279.310 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 279.310 to 279.600, unless the context requires otherwise:

(8) "Member" means and includes each person signing the articles of incorporation of a corporation formed under KRS 279.310 to 279.600, each person later admitted to membership according to law or according to the articles of incorporation or by-laws of the corporation.

Section 2. The introductory phrase and subsections (1) and (2) of Section 279.360 of the Kentucky Revised Statutes are amended to read as follows:

Each corporation organized under the provisions of KRS 279.310 to 279.600 shall have power:

(1) To furnish, improve and expand telephone service in

rural areas to its members, to governmental agencies and political subdivisions and to other persons not in excess of ten percent of the number of its members, provided, however, that, without regard to said ten percent limitation, telephone service may be made available by a cooperative through inter-connection of facilities to any number of subscribers of other telephone systems, and through pay stations to any number of users; and provided, further, that a cooperative which acquires existing telephone facilities in rural areas may continue service to persons, not in excess of forty percent of the number of its members, who are already receiving service from such facilities, without requiring such persons to become members, but such persons may become members upon such terms as may be prescribed in the by-laws; and, provided, further, that a cooperative may furnish, improve and expand telephone service outside of rural areas where necessary in order to furnish, improve and expand telephone service in rural areas.

(2) To construct, purchase, lease as lessee, or otherwise acquire, and to improve, expand, install, equip, maintain, and operate, and to sell, assign, convey, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, telephone lines, facilities or systems, lands, buildings, structures, plants and equipment, exchange, and any other real or personal property, tangible or intangible, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized.

By Mr. McCallum.

H. B. No. 441. AN ACT relating to gambling devices.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) As used in this Act the term "gambling device" means any slot machine or any other machine or mechanical device, an essential part of which is a drum or reel with insignia thereon which when operated may deliver as a result of an element of chance, any money, property, or other thing of value, or by the operation of which a person may become

entitled to receive, as the result of the application of an element of chance, any money, property, or other thing of value, or any other machine or mechanical device designed or manufactured to operate by means of the insertion of a coin, token, or other similar object so that when operated it may deliver as the result of the application of an element of chance, any money, property, or other thing of value; or any sub-assembly or essential part intended to be used in connection with any such machine or mechanical device.

(2) "Gambling device" as used herein shall not include any machine as defined in subsection (5) of KRS 436.230.

Section 2. It shall be unlawful to own, possess, or exhibit any gambling device in this state.

Section 3. It shall be unlawful to knowingly transport any gambling device for delivery within the Commonwealth of Kentucky.

Section 4. Any gambling device may be seized by any peace officer of the Commonwealth of Kentucky or any subdivision thereof, and shall be seized and destroyed as other gambling implements are required to be seized and destroyed under the provisions of KRS 436.280.

Section 5. Any person who violates any of the provisions of this Act shall be fined not less than five hundred dollars nor more than five thousand dollars and confined in the penitentiary for not less than one year nor more than three years.

Section 6. Whereas, it is vitally important to the peace and welfare of the Commonwealth of Kentucky that gambling be suppressed at the earliest date, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

By Mr. Routh.

H. B. No. 442. AN ACT relating to the establishment and operation of public utility districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any county and all cities therein, or two or more counties and all cities in such counties may form a public utility district by contract among the counties and cities desiring to be included in such district. The district so formed shall constitute a public body corporate, and political subdivision, with power to sue and be sued, contract and be contracted with, and in other ways to exercise all of the powers of a corporation and a political subdivision, within the purview of this Act.

Section 2. The business, activities, and affairs of any public utility district formed under this Act shall be managed, controlled and conducted by a board composed of one representative from each county and each city embraced within the district. The fiscal court of each such county shall appoint a representative, and the legislative body of each such city shall appoint a representative, to serve on the board. Any person appointed need not be, but may be, an officer or employe of the county or city for which appointed. The members of the board shall serve for terms of four years, and until their successors are appointed and have qualified, subject to removal at any time at the pleasure of the appointing authority. Vacancies shall be filled by appointment by the appointing authority.

Section 3. Following the appointment of the first board for a public utility district formed under this Act, the members shall meet for the purposes of organizing and electing officers, and thereafter regular meetings shall be held at such time and place as the board may determine. Special meetings may be held at any time upon call of the regular chairman or of any three members.

Section 4. The officers of the board shall consist of a chairman, a vice-chairman, a secretary, an assistant secretary, and a treasurer, who shall be chosen from the membership of the board for one year terms. No member or officer of the board shall receive any compensation for his services, except that if the member chosen as secretary is not an officer or employe of the county or city which he represents, he may be paid a salary of not more than five hundred dollars per annum, and if the mem-

ber chosen as treasurer is not an officer or employe of the county or city which he represents, he may be paid a salary of not more than two hundred dollars per annum. The members of the board shall be reimbursed for their actual and necessary expenses in attending meetings of the board and otherwise in performing their functions.

Section 5. The board for any utility district formed under this Act shall have power to adopt rules and bylaws governing the conduct of the affairs of the district. It shall further have power to make employment or enter into contracts for the furnishing of technical, skilled or professional services for the district.

Section 6. Any public utility district formed under this Act, through its board, shall have power to:

(1) Negotiate and deal with public utilities serving any territory within the district or seeking a franchise to furnish such service.

(2) Render services to the counties and cities embraced within the district in the preparation of franchise ordinance or contracts and in the handling of utility rate cases affecting utility service within the district.

(3) Furnish information, advice and assistance to the counties and cities embraced within the district on all matters relating to public utility rates or service.

(4) Upon request of any county or city embraced within the district, represent such county or city before an regulatory body or court in any proceeding or case involving rates or service of a public utility.

(5) Appear before any regulatory body or court, as a party in interest, on behalf of the district, in any proceeding or case involving rates or service of a public utility within the district.

(6) Purchase any utility, and if unsuccessful, to condemn such utility, such power to be in addition to any existing condemnation remedy.

Section 7. Before any county or city embraced within a public utility district formed under this Act may grant any

franchise or enter into any contract with a public utility, the proposed franchise or contract must be submitted to the board of the district, which shall within thirty days submit a report to the county or city setting forth its recommendations concerning the same.

Section 8. For the purpose of providing funds to enable the functions of a public utility district formed under this Act to be performed, each city embraced within the district shall pay to the district, at the beginning of each fiscal year of the district, the sum of fifty dollars for each one thousand or major fraction thereof of population of the city, the minimum payment in any case to be fifty dollars, and each county embraced in the district shall pay to the district, at the same time, a sum equal to one-fourth of the total sum paid by all the counties located within the county. The fiscal year of the district shall begin on July 1 of each year and end on June 30 next following.

Section 9. The treasurer of any public utility district formed under this Act shall be required to give bond, with qualified corporate surety, in an amount sufficient to cover such sums as may be in his hands at any one time, conditioned upon the faithful performance of his duties and the faithful accounting for and paying over of all money that may come into his hands by virtue of his office.

Section 10. The funds of the district shall be paid out only on order of the board, on checks signed by the treasurer and countersigned by the chairman or other officers designated by the board. The funds of the district shall be kept on deposit in a depository bank selected by the board.

By Mr. Day, Mr. Jones, Mr. J. Raybourne, Mr. Heyburn, Mr. Routh, Mr. Cosby, Mr. Blue, Mr. Billington, Mr. Cobb, Mr. Fitzpatrick, Mr. Cottengim, Mr. McClanahan, Mr. Rogers.

H. B. No. 443. AN ACT relating to revenue and taxation, referring the question of a sales tax to a vote of the people.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There shall be submitted to the voters for their affirmation or rejection the following question:

"Do you favor the enactment of a three percent sales tax in place of the present personal income tax?"

Section 2. The county clerk of each county shall cause to be printed on each ballot for the regular election in 1955 in the manner provided under Section 118.170 of the Kentucky Revised Statutes the question stated in Section 1 of this Act.

Section 3. The vote for and against the question submitted under the provisions of this Act shall be canvassed and certified to the Secretary of State by the same officers and in the same manner as other regular election results.

By Mr. Jack Raybourne, Jr.

H. B. No. 444. AN ACT relating to registration of motor vehicles and fees of county clerks therefor, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.040 of the Kentucky Revised Statutes is amended to read as follows:

Upon filing application and paying the fee as provided by law, said owner shall be given a receipt containing the registration number and the information included on the application and one plate. If however, the department finds that there is a shortage of materials suitable for making plates or that a substantial saving will result, it may require by regulation with the approval of the Governor that plates issued in 1954 or thereafter shall continue to be used for a designated subsequent period. For services performed, the owner shall pay the county clerk the sum of fifty cents for each registration in addition to the registration fee, except that in the case of vehicles for which fees are prescribed in subsection (3) of KRS 186.050, the fee shall be one dollar.

Section 2. Subsection (2) of Section 186.055 of the Kentucky Revised Statutes is amended to read as follows:

(2) The clerk shall issue a weight plate furnished by the department and shall be paid for this service the sum of fifty cents.

By Mr. Horn.

H. B. No. 445. AN ACT relating to the preservation of bank records.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Preservation of bank records.

A. Every state bank shall retain its business records for such periods as are or may be prescribed by or in accordance with the terms of this Section.

B. Each state bank shall retain permanently the minute book of meetings of its stockholders and directors, its capital stock ledger and capital stock certificate ledger or stubs, its general ledger, its daily statements of condition, its general journal, its investment ledger, its copies of bank examination reports, and all records which the Commissioner of Banking shall in accordance with the terms of this Section require to be retained permanently.

C. All other bank records shall be retained for such periods as the Commissioner of Banking shall in accordance with the terms of this Section prescribe.

D. The Commissioner of Banking shall from time to time issue regulations classifying all records kept by state banks and prescribing the period for which records of each class shall be retained. Such periods may be permanent or for a lesser term of years. Such regulations may from time to time be amended or repealed. Prior to issuing any such regulation the Commissioner of Banking shall consider

(1) Actions at law and administration proceedings in which the production of bank records might be necessary or desirable.

(2) State and federal statutes of limitation applicable to such actions or proceedings.

(3) The availability of information contained in bank records from other sources.

(4) Such other matters as the Commissioner shall deem pertinent in order that its regulations will require banks to retain their records for as short a period as is commensurate with the interests of bank customers and shareholders and of the people of this State in having bank records available.

E. Any state bank may dispose of any record which has been retained for the period prescribed by or in accordance with the terms of this Section for retention of records of its class, and shall thereafter be under no duty to produce such record in any action or proceeding.

F. Any state bank, including the Department of Banking, may cause any or all records at any time in its custody to be reproduced by the microphotographic process and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

G. To the extent that they are not in contravention of any law of the United States, the provisions of this Section shall apply to all banks doing business in this State.

By Mr. Wirsch, Mr. Helm, Mr. Mann, Mr. H. Rayburn, Mr. Craig, Mr. Holt, Mr. Treadway, Mr. McFadden, Dr. Wooton, Mr. Marcum, Mr. Buchanan, Mr. Bartley, Mr. Saylor, Mr. Lambert, Mr. Qualls, Mr. Taylor, Mr. Mitchell, Mr. Heskamp, Mr. Heyburn, Mr. Duncan and Mr. Dempsey.

H. Res. No. 69. A JOINT RESOLUTION inviting John Sherman Cooper to address a joint session of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Senator John Sherman Cooper be, and he hereby is respectfully invited to address a Joint Session of the General Assembly of the Commonwealth of Kentucky.

Section 2. That the President of the Senate and the

Speaker of the House shall each appoint three members of their respective bodies to constitute a committee, the chairman of which shall be selected by its members, to extend to Senator John Sherman Cooper an invitation to address a Joint Session of the General Assembly, and to fix the date and time for such a Joint Session.

Mr. Lowman moved that the rules of the House be suspended for the purpose of having committee reports.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Billington, Chairman of the Committee on Insurance, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 101. AN ACT relating to the financial responsibility of owners and operators of motor vehicles.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

Mr. L. M. Tipton Reed, Chairman of the Committee on Education, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 393. AN ACT relating to per diem and expenses allowed members of county boards of education, etc.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. L. M. Tipton Reed, Chairman of the Committee on Education, to which the same had been previously referred, reported favorably bills of the following titles, viz:

H. B. No. 391. AN ACT relating to an exception to the requirement of separate schools for white and colored students, etc.

H. B. No. 366. AN ACT amending KRS 161.430 and providing for the investment of funds.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

House Bill No. 15. AN ACT authorizing and adding one additional judge to the circuit court for the Seventeenth Circuit Court District; providing for the appointment and election of the additional judge to said circuit court; and providing for the manner in which said court shall be held and the business therein conducted.

House Bill No. 53. AN ACT relating to the establishment of a penalty for violation of Section 277.245 of the Kentucky Revised Statutes.

House Bill No. 130. AN ACT relating to judicial districts, creating an additional district, and making changes in the apportionment and allocation of counties of the Twenty-seventh, Thirty-fourth and Forty-first Judicial Districts, in order to comply with the meaning and intent of the Constitution of the Commonwealth of Kentucky with respect to the division of the Commonwealth into judicial districts; etc.

House Bill No. 254. AN ACT relating to the organization and government of cities of the first class.

House Bill No. 255. AN ACT relating to the regulations of buildings, dwellings and structures by cities of the first class.

House Bill No. 256. AN ACT concerning the finance and revenue of cities of the first class and agencies thereof.

House Bill No. 257. AN ACT relating to the finance and revenue of boards of registration commissioners of cities of the first class.

House Bill No. 258. AN ACT relating to the finance and revenue of municipal universities in cities of the first class.

House Bill No. 259. AN ACT relating to tax levies and appropriations by cities for the maintenance, operation and improvement of park and recreational areas acquired under Section 97.060 of the Kentucky Revised Statutes.

House Bill No. 261. AN ACT relating to the finance and revenue of joint city-county children's homes in counties containing a city of the first class.

House Bill No. 262. AN ACT relating to the finance and revenue of joint city-county air boards in counties of the first class.

House Bill No. 263. AN ACT relating to the giving of notice to cities of claims for injuries growing out of defects in public ways.

House Bill No. 264. AN ACT relating to advertisement for bids for repairs to school buildings and for purchase of supplies and equipment for schools.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Lowman moved that when the House does adjourn, it adjourn to meet again at 9 A. M. Friday, February 26, 1954.

Said motion agreed to by voice vote.

REFERRAL OF BILLS

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

February 25, 1954

The Committee On Committees have referred the following bills to the following committees:

House Bill 331—Insurance

House Bill 336—Ways and Means

House Bill 360—Ways and Means

House Bill 389—Labor

House Bill 396—Motor Transportation

House Bill 397—Constitutional Amendments

House Bill 398—Ky. Statutes No. 1

House Bill 399—Ways and Means

House Bill 400—Ways and Means

House Bill 401—Public Health

House Bill 402—Ky. Statutes No. 1

House Bill 403—Ky. Statutes No. 1

House Bill 404—Ky. Statutes No. 1

House Bill 405—Ky. Statutes No. 1

House Bill 406—Ky. Statutes No. 1

House Bill 407—Insurance

House Bill 408—Courts and Legal Procedure

House Bill 409—Ways and Means

House Bill 411—Cities of the Sixth Class

House Bill 412—Ways and Means

House Bill 413—Courts and Legal Procedure

House Bill 414—Ky. Statutes No. 2

House Bill 415—Revenue and Taxation

House Bill 416—Revenue and Taxation

House Bill 417—Cities of the Fifth Class

House Bill 418—Ky. Statutes No. 2

House Bill 419—Public Utilities

House Bill 420—Ky. Statutes No. 2

House Bill 421—Labor

House Bill 422—Agriculture

House Bill 423—Ky. Statutes No. 1

House Bill 424—Compensation for Industrial Injuries

House Bill 425—Ky. Statutes No. 1

House Bill 426—Cities of the Second Class

House Bill 427—Ky. Statutes No. 1

House Bill 428—Ky. Statutes No. 1

House Bill 429—Ky. Statutes No. 2

House Bill 430—Ways and Means

House Bill 431—Fish and Game

House Resolution 65—Ways and Means

House Resolution 66—Ways and Means

House Resolution 67—Ways and Means

Senate Bill 16—Ky. Statutes No. 1

Senate Bill 76—Ky. Statutes No. 1

Senate Bill 100—Ways and Means

Senate Bill 104—Public Health

Senate Bill 107—Conservation, Ditches and Drains

Senate Bill 111—Ways and Means

Senate Bill 116—Ky. Statutes No. 1

Senate Bill 118—Cities of the First Class

Senate Bill 119—Public Utilities

Senate Bill 121—Cities of the First Class

Senate Bill 122—Ways and Means

Senate Bill 125—Ways and Means

Senate Bill 127—Ky. Statutes No. 1

Senate Bill 130—Cities of the First Class

Senate Bill 131—Agriculture

Senate Bill 135—Ky. Statutes No. 1

Senate Bill 138—Ky. Statutes No. 1

Senate Bill 139—Ky. Statutes No. 1

Senate Bill 140—Ky. Statutes No. 1

Senate Bill 142—Ky. Statutes No. 1

Senate Bill 147—Ky. Statutes No. 1

Senate Resolution 4—Ways and Means

Senate Resolution 24—Ways and Means

Mr. Lowman moved that the House adjourn until 9 A. M. Friday, February 26, 1954.

Said motion was agreed to.

And the House did then adjourn.

FRIDAY, FEBRUARY 26, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, Rector of the Church of the Ascension, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

—86

Mr. Lowman moved that the reading of the Journal of the proceedings of Thursday, February 25, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Lowman moved that the privilege of the floor be given Mrs. Jack Raybourne, and that Sandra Raybourne, Ken Raybourne and Skeets Raybourne be made honorary pages.

Said motion was agreed to.

Mr. Conley moved that H. B. No. 316 be recommitted to the Committee to which it had been referred, and that his name be removed from sponsorship of said bill.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Walsh and Mr. Wirsch:

H. B. No. 446. AN ACT to provide for the safety of life, limb, and property, and to create a Board of Boiler Rules, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be known and may be cited as the Boiler Safety Act, and, except as otherwise herein provided, shall apply to all boilers. As used in this Act, the term "Boiler" or "Boilers" shall mean and include steam or vapor boilers, hot water heating boilers and hot water supply boilers.

Section 2. BOARD OF BOILER RULES. (1) Board Created. There is hereby created a Board of Boiler Rules, which shall hereafter be referred to as the Board, consisting of six members who shall be appointed to the Board by the Governor, one for a term of one year, one for a term of two years, two for a term of three years, and two for a term of four years. At the expiration of their respective terms of office, they, or their successors identifiable with the same interest respectively as hereinafter provided, shall be appointed for terms of four years each. The Governor may at any time remove any member of the Board

for inefficiency or neglect of duty in office. Upon the death or incapacity of any member the Governor shall fill the vacancy for the remainder of the vacated term with a representative of the same interests with which his predecessor was identified. Of these six appointed members, one shall be a practical steam operating engineer of high pressure boilers, or any other representative of owners and users of high pressure boilers within the State, one shall be a representative of the boiler manufacturers within the State, one shall be a representative of a boiler insurance company licensed to do business within the State, one shall be a mechanical engineer on the faculty of a recognized engineering college within the State or a graduate mechanical engineer having equivalent experience, one shall be a representative of the boilermakers within the State, and one shall be a practical steam operating engineer representative of the owners and users of low pressure boilers within the State. The Board shall elect one of its members to serve as chairman and, at the call of the chairman, the Board shall meet at least four times each year at the Capitol or other place designated by the Board. No approval, decision or ruling of the Board shall be effective unless supported by the vote of at least four members thereof.

(2) Board to Serve Without Salary; Expenses Allowed. The members of the Board shall serve without salary and shall receive their actual traveling and hotel expenses, incurred while in the performance of their duties as members of the Board, to be paid in the same manner as in the case of other State officers.

Section 3. RULES AND REGULATIONS. (1) Formulation. The Board shall formulate definitions, rules and regulations for the safe construction, installation, inspection and repair of boilers in this State. The definition, rules and regulations so formulated shall be based upon and at all times, follow the generally accepted nation-wide engineering standards, formulae and practices established and pertaining to boiler construction and safety, and the Board may by rersolution adopt an existing published codification thereof, known as the Boiler Construction Code of The American Society of Mechanical Engineers, with the amendments and interpretation thereto made and approved by the Council of the Society, and may likewise adopt the amend-

ments and interpretations subsequently made and published by the same authority; and when so adopted the same shall be deemed incorporated into, and to constitute a part of the whole of the definitions, rules and regulations of the Board. Amendments and interpretations to the Code so adopted shall be adopted immediately upon being promulgated, to the end that the definitions, rules and regulations shall be at all times follow the generally accepted nation-wide engineering standards.

(2) Promulgation. The Board shall promulgate rules and regulations for the safe installation, inspection and repair of boilers, which were in use or installed ready for use in this State prior to the date upon which the first rules and regulations under this Act pertaining to existing installations became effective, or during the twelve-month period immediately thereafter.

(3) Effective Date. The rules and regulations formulated by the Board shall have the force and effect of law, except that the rules applying to the construction of new boilers shall not be construed to prevent the installation thereof until twelve months after their approval by the Board.

(4) Amendments. Subsequent amendments to the rules and regulations adopted by the Board shall be permissive immediately and shall become mandatory twelve months after such approval.

Section 4. NEW BOILER INSTALLATIONS. No boiler which does not conform to the rules and regulations formulated by the Board governing new construction and installation shall be installed and operated in this State after twelve months from the date upon which the first rules and regulations under this Act pertaining to new construction and installation shall have become effective.

Section 5. EXISTING BOILER INSTALLATION. (1) The maximum allowable working pressure of a boiler carrying the ASME Code symbol shall be determined by the applicable sections of the codes under which it was constructed and stamped.

(2) The maximum allowable working pressure of a boiler which does not carry the ASME Code symbol shall be computed

in accordance with the ASME "Suggested Rules Covering Existing Installations."

(3) This Act shall not be construed as in any way preventing the use of sale of a boiler referred to in this section, provided it has been made to conform to the rules and regulations of the Board governing existing installations, and provided, further, it has not been found upon inspection to be in an unsafe condition.

Section 6. EXEMPTIONS. (1) This Act shall not apply to boilers under Federal control.

(2) The requirements of Sections 13, 14, 15 and 16 of this Act shall not apply to the following boilers:

(a) Boilers located on farms and used solely for agricultural purposes;

(b) Steam or vapor boilers used for heating purposes carrying a pressure of not more than 15 pounds per square inch gauge, and which are located in private residences or in apartment houses of less than six families;

(c) Hot water heating boilers carrying a pressure of not more than 30 pounds per square inch gauge, or hot water supply boilers which are located in private residences or in apartment houses of less than six families.

Section 7. CHIEF INSPECTOR. (1) How Appointed. Within sixty days after the passage of this Act and at any time thereafter that the office of the Chief Inspector may become vacant, the Board shall appoint a citizen of this State, or, if not availabale, a citizen of another State, who shall have had at the time of such appointment not less than ten years practical experience in the construction, maintenance, repair or operation of high pressure boilers and unfired pressure vessels, as a mechanical engineer, practical steam operating engineer, boilermaker or boiler inspector, and who shall have passed the same kind of examination as that prescribed for Deputy or Special Inspectors under Section 10 of this Act, to be Chief Inspector until his successor shall have been appointed and qualified. Such Chief Inspector may be removed for cause after due investigation by the Board.

(2) Powers. The Chief Inspector, if authorized by the Board, is hereby charged, directed and empowered:

(a) to cause the prosecution of all violators of the provisions of this Act;

(b) to issue, or to suspend, or revoke for cause, inspection certificates as provided for in Section 14 of this Act;

(c) to draw upon the State Treasurer for funds necessary to meet the expense authorized by this Act, which shall include the necessary traveling expenses of the Chief Inspector and his Deputies and the expenses incident to the maintenance of his office;

(d) to take action necessary for the enforcement of the laws of the State governing the use of boilers to which this Act applies and of the rules and regulations of the Board;

(e) to keep a complete record of the type, dimensions, maximum allowable working pressure, age, location and date of the last recorded internal inspection of all boilers to which this Act applies;

(f) to publish and distribute, among manufacturers and others requesting them, copies of the rules and regulations adopted by the Board.

Section 8. DEPUTY INSPECTORS. The Board shall employ Deputy Inspectors who shall be responsible to the Chief Inspector and who shall have had at the time of appointment not less than five years practical experience in the construction, maintenance, repair or operation of high pressure boilers and unfired pressure vessels as a mechanical engineer, practical steam operating engneer, boilermaker, or boiler inspector, and who shall have passed the examination provided for in Section 10 of this Act.

Section 9. SPECIAL INSPECTORS. (1) In addition to the Deputy Boiler Inspectors authorized by Section 8 of this Act, the Board shall, upon the request of any company authorized to insure against loss from explosion of boilers in this State, issue to any boiler inspectors of said company commissions a Special Inpectors, provided that each such inspector before receiving

his Commission shall satisfactorily pass the examination provided for in Section 10 of this Act, or, in lieu of such examination, shall hold a Commission or a Certificate of Competency as an inspector of boilers for a State that has a standard of examination substantially equal to that of this Commonwealth, or a Commission as an inspector of boilers issued by the National Board of Boiler and Pressure Vessel Inspectors.

(2) Such Special Inspectors shall receive no salary from, nor shall any of their expenses be paid by, the State and the continuance of a Special Inspector's Commission shall be conditioned upon his continuing in the employ of a boiler insurance company duly authorized as aforesaid and upon his maintenance of the standards imposed by this Act.

(3) Such Special Inspectors shall inspect all boilers insured by their respective companies, and, when so inspected, the owners and users of such insured boilers shall be exempt from the payment to the State of the inspection fees as provided for in Section 16 of this Act.

(4) Each company employing such Special Inspectors shall within thirty days following each internal boiler inspection made by such inspectors, file a report of such inspection with the Chief Inspector upon appropriate forms as promulgated by the American Society of Mechanical Engineers. Reports of external inspections shall not be required except when such inspections disclose that the boiler is in a dangerous condition.

(5) The Chief Inspector, or any Deputy or Special Inspectors shall have free access, during reasonable hours, to any premises in the State where a boiler is being constructed or is being installed, for the purpose of ascertaining whether such boiler is constructed and installed in accordance with the provisions of this Act.

Section 10. EXAMINATION. Examination for Chief, Deputy or Special Inspectors shall be in writing and shall be held by the Board, or by at least two members of the Board. Such examinations shall be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service. In case an applicant for an

inspector's appointment or Commission fails to pass the examination, he may appeal to the Board for another examination which shall be given by the Board within ninety days. The record of an applicant's examination shall be accessible to said applicant and his employer.

Section 11. SUSPENSION OR REVOCATION OF APPOINTMENT OR COMMISSION. (1) An Inspector's appointment or Commission may be suspended by the Board, after due investigation, for the incompetence or untrustworthiness of the holder thereof or for willful falsification of any matter or statement contained in his application or in a report of any inspection made by him. Written notice of any such suspension shall be given him by the Board, within not more than ten days, to the inspector and his employer. A person whose appointment or commission has been suspended shall be entitled to an appeal to the Franklin Circuit Court for arbitrariness or fraud.

(2) A person whose appointment or commission has been suspended shall be entitled to apply, after ninety days from the date of such suspension, for reinstatement of such appointment or commission.

Section 12. REPLACEMENT OF CERTIFICATE OR COMMISSION. If a Certificate of Appointment or Commission is lost or destroyed, a new Certificate or Commission shall be issued in its place without another examination.

Section 13. INSPECTION OF BOILERS. (1) On and after July 1, 1954, each boiler used or proposed to be used within this State, except boilers exempt under Section 6 of this Act, shall be thoroughly inspected as to their construction, installation and condition as follows:

(a) Power boilers, meaning boilers operating at steam or vapor pressures in excess of 15 pounds per square inch gauge, shall be inspected annually both internally and externally while not under pressure and shall also be inspected annually externally while under pressure if possible;

(b) Low pressure steam or vapor heating boilers, hot water heating boilers and hot water supply boilers shall be in-

spected both internally and externally biennially where construction will permit;

(c) A grace period of two months beyond the periods specified in subdivision (a) and (b) of this paragraph may elapse between inspections;

(d) The Board may at its discretion permit longer periods between inspections.

(2) The inspections herein required shall be made by the Chief Inspector, or by a Deputy Inspector or by a Special Inspector provided for in this Act.

(3) If at any time a hydrostatic test shall be deemed necessary, same shall be made, at the discretion of the inspector, by the owner or user thereof.

(4) All boilers to be installed in this State after the twelve months period from the date upon which the rules and regulations of the Board shall become effective, shall be inspected during construction as required by the applicable rules and regulations of the Board by an inspector authorized to inspect boilers in this State, or, if constructed outside of the State, by an inspector holding a Certificate of Competency as an inspector of boilers for a State that has a standard of examination substantially equal to that of this State as provided in Section 10.

Section 14. INSPECTION CERTIFICATES. (1) If, upon inspection, a boiler is found to comply with the rules and regulations of the Board, the owner or user thereof shall pay directly to the Chief Inspector the sum of two dollars ($2.00) and the Chief Inspector, or his duly authorized representative, shall issue to such owner or user an Inspection Certificate bearing the date of inspection and specifying the maximum pressure under which the boiler may be operated. Such Inspection Certificate shall be valid for not more than fourteen months from its date in the case of power boilers and twenty-six months in the case of low pressure steam or vapor heating boilers, hot water heating boilers or hot water supply boilers. Certificates shall be posted under glass in the room containing the boiler inspected or, in the case of a portable boiler, shall be kept in a metal container,

either fastened to the boiler or kept in a tool box accompanying the boiler.

(2) No Inspection Certificate issued for an insured boiler inspected by a Special Inspector shall be valid after the boiler for which it was issued shall cease to be insured by a company duly authorized by this state to carry such insurance.

(3) The Chief Inspector or his authorized representative may at any time suspend an Inspection Certificate when, in his opinion, the boiler for which it was issued, cannot be operated without menace to the public safety, or when the boiler is found not to comply with the rules and regulations herein provided. A Special Inspector shall have corresponding powers with respect to Inspection Certificates for boilers insured by the company employing him. Such suspension of an Inspection Certificate shall continue in effect until such boiler shall have been made to conform to the rules and regulations of the Board, and until said Inspection Certificate shall have been reinstated.

Section 15. INSPECTION CERTIFICATE REQUIRED; PENALTY. After twelve months following the date on which this Act becomes effective, it shall be unlawful for any person, firm, partnership or corporation to operate in this State a boiler under pressure without a valid Inspection Certificate. The operation of a boiler without such Inspection Certificate, or at a pressure exceeding that specified in such Inspection Certificate, shall constitute a misdemeanor on the part of the owner, user or operator thereof and shall be punishable by a fine not exceeding five hundred dollars, or imprisonment not to exceed three months or both, at the discretion of the court. Each day of such unlawful operation shall be deemed a separate offense.

Section 16. INSPECTION FEES. (1) Schedule of Fees. The owner or user of a boiler required by this Act to be inspected by the Chief Inspector, or his Deputy Inspector, shall pay directly to the Chief Inspector, upon completion of inspection fees in accordance with the following schedule:

(a) Power Boilers:

Internal Inspections

Boilers of less than 50 sq. ft. of heating surface_____$5.00

Boilers over 50 sq. ft. of heating surface and less than 4,000 sq. ft. of heating surface ---------- $12.00

Boilers over 4,000 sq. ft. of heating surface and less than 10,000 sq. ft. of heating surface---------- $15.00

Boilers over 10,000 sq. ft. of heating surface ------- $20.00

External Inspections

Boilers of less than 50 sq. ft. of heating surface------ $ 3.00

Boilers over 50 sq. ft. of heating surface ---------- $5.00

Not more than the equivalent of the internal and external inspection fees shall be charged or collected for any and all inspections as above of any boiler in any one year.

(b) Low Pressure Boilers:

Inspection of heating boilers without a manhole----- $5.00

Inspection of heating boilers with a manhole-------- 10.00

Inspection of hot water supply boilers ---------- 3.00

Not more than one fee shall be charged or collected for any and all inspections as above of any low pressure boiler in any two year period.

(c) Hydrostatic Tests:

When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees applicable to an internal inspection of the boiler shall be charged.

(d) ALL OTHER INSPECTIONS, including shop inspections and inspection of second-hand or used boilers made by the Chief or Deputy Inspector shall be charged for at the rate of not less than twenty-five dollars for one-half day of four hours, and forty dollars for one full day of eight hours, plus all expenses, including traveling and hotel.

Disposition of Fees. The Chief Inspector shall deposit all fees so received with the Treasurer of the State, to be held in a revolving fund from which the expenses of administering this Act may be paid.

Section 17. CHIEF AND DEPUTY INSPECTORS TO FURNISH BOND. The Chief Inspector shall furnish a bond in the sum of five thousand dollars ($5,000.00) and each of the Deputy Inspectors, employed and paid by the State, shall furnish a bond in the sum of two thousand dollars ($2,000.00), conditioned upon the faithful performance of their duties and upon a true account of moneys handled by them respectively and the payment thereof to the proper recipient. The cost of said bonds shall be paid by the State Treasurer.

Section 18. APPPEALS. Any person aggrieved by an order or act of the Chief Inspector, under this Act, may, within fifteen days of notice thereof, appeal from such order or act to the Board which shall, within thirty days thereafter, hold a hearing, after having given at least ten days written notice to all interested parties. The Board shall, within thirty days after such hearing, issue an appropriate order either approving or disapproving said order or act. A copy of such order by the Board shall be given to all interested parties.

Within thirty days after any order or act of the Board any person aggrieved thereby may file a petition in the Franklin Circuit Court for a review thereof. The Court shall summarily hear the petition and may make any appropriate order or decree.

Section 19. APPROPRIATION. The sum of ten thousand dollars, or as much thereof as may be necessary, is hereby appropriated for the preparation, printing and distribution of the rules and regulations promulgated by the Board and for the purpose of carrying out all the other provisions of this Act.

By Mr. L. M. Tipton Reed.

H. B. No. 447. AN ACT relating to child care centers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context requires otherwise:

(1) "Child Care Center" means a private, non-sectarian day

nursery, nursery school, boarding school, or other like establishment which cares for not less than five children between two and six years of age in return for tuition, fees or other forms of compensation.

(2) "Superintendent" means Superintendent of Public Instruction.

(3) "Department" means Department of Education.

Section 2. No person, association or organization shall conduct, operate or maintain any child care center without having a license to do so issued by the department.

Section 3. Each licensed child care center shall be open for inspection by a person authorized by the department, and such person shall conduct a complete examination of all facilities and methods of operation at least once each year. Each child care center shall furnish such information to the department as the department shall prescribe, and failure to furnish such information or to conform to prescribed standards of operation shall constitute cause for refusal of the license prescribed in this Act and for revocation of any license granted prior thereto.

Section 4. Each child care center shall pay an annual fee of $25.00 for the license prescribed in this Act, and a fee of $5.00 for each annual renewal of such license. All fees collected under the terms of this Act shall be paid into the State Treasury to the credit of a revolving trust or agency fund for use in administering the provisions of this Act.

Section 5. This Act shall not apply to:

(1) Any school or college that now operates a child care center authorized by law;

(2) Any aid society of a legally organized church or fraternal organization organized for the aid and relief of its members;

(3) Any children's home, orphan asylum, children's aid society, or other organization incorporated under the laws of the state and regulated by other provisions of the laws of this state;

(4) Any public agency operated by a city or county; nor

(5) Any school district which operates a child care center.

Section 6. Any child care center which is exempt from the provisions of this Act under Section 5 hereof, may bring itself within the terms of this Act by applying to the department for a permit and may thereafter receive the benefits and be governed by the provisions of this Act.

Section 7. The superintendent shall recommend to the State Board of Education such standards and rules of operation as he deems necessary to carry out the purposes of this Act.

Section 8. Any person, association or organization which operates or conducts a child care center without having first acquired the license prescribed by this Act, shall be guilty of a misdemeanor and shall be fined not less than $25.00 nor more than $100.00, and each day of violation shall constitute a separate offense. The superintendent shall institute proceedings to enjoin the continuance of any operation carried on in violation of this Act.

By Mr. Clay, Mr. Saylor, Mr. Bartley, Mr. Ratcliffe, Mr. Billington and Mr. Moorman.

H. B. No. 448. AN ACT relating to challengers at general, primary and special elections, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 118.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county executive committee of any political party having a ticket to elect at any general election may designate not more than two challengers to be present at and witness the holding of the election in each precinct in the county. The challengers shall be entitled to stay in the room or at the door. These political party challengers shall be appointed in writing signed by the chairman of the committee, and shall produce written appointments on demand of any election officer.

(2) Any organization of citizens within any county having as its purpose or interest, the prevention, investigation or prose-

cution of election frauds may file with the chairman or acting chairman of the county board of election commissioners, at least thirty days before any general, primary or special election, a petition, signed by the chairman or presiding officer of said organization and at least three other members of the organization, asking that said organization be permitted to name two challengers to serve at each precinct in the election. If more than one organization of citizens, alleging that it has as its purpose or interest the prevention, investigation or prosecution of election frauds, files such a petition, the county board of election commissioners shall, in certifying challengers, alternate between the organizations of citizens, as follows: Not less than twenty days before the election the county board of election commissioners shall notify by registered mail the chairman or presiding officer of each aforesaid organization of a convenient meeting place and a time, which shall not be less than fifteen days before the election, at which the precincts will be allotted. At the time and place aforesaid each such organization shall be represented by its chairman or presiding officer or by another member designated in writing to represent it, and the county board of election commissioners shall then and there make a division of the precincts, as nearly equally as possible, among the organizations, in a manner satisfactory to all parties concerned or by drawing lots.

(3) If an organization of citizens which has filed a petition, as provided in this section, believes that any other organization, which has likewise filed such a petition, is not a bona fide citizens group or does not in good faith seek to prevent, investigate or prosecute election frauds it may institute proceedings in the county court, and upon a hearing the county judge shall determine whether such challenged organization shall be permitted to name challengers.

(4) The organization of citizens shall, at least five days before the election, file the names of persons nominated by it to be challengers with the chairman of the county board of election commissioners, together with the precincts in which they are to serve, which may be all or any part of the precincts in which the organization is entitled to name challengers. The county board of election commissioners shall, within two days

thereafter, certify the nominees of the organization for the respective precincts to serve as challengers. Such challengers shall perform their duties in the same manner, be subject to the same penalties and have the same privileges as challengers designated by a political party, except as provided in subsection (2) of Section 3 of this Act.

(5) Each challenger shall take the following oath: "You do solemnly swear that you will faithfully and impartially discharge the duties as official challenger assigned by law; that you will not cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of the qualification of such person as an elector; that you will use no means to influence a voter; and that you will not disclose to any person how any elector has voted."

Section 2. Section 118.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) In all general elections, the governing authority of each political party may designate to the county board of election commissioners one representative to meet with the board as provided in KRS 118.370. The board shall permit such representatives to assist in and witness the count of the ballots in all the precincts in the county, and each of such representatives shall have equal and full opportunity to inspect and count the ballots.

(2) Any organization of citizens which complies with the provisions of KRS 118.240 relative to such organizations may name inspectors at any general election who shall serve in the same manner, be subject to the same penalties, and have the same privileges as inspectors designated by a political party.

Section 3. Section 119.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each political party is entitled to have not more than two challengers at each precinct during the holding of the primary election. Any group of bona fide candidates, as defined in KRS 116.110, of the same political party equal to twenty-five percent of all the candidates for that party to be voted for in a county in any primary, including state, district and all other

candidates, may recommend to the county committee or governing authority of the party for the county a list of persons whom they desire to have appointed as challengers in each precinct in the county. If more than two such lists are furnished, the committee or governing authority, in making appointments of challengers, shall alternate between the several lists so furnished so as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one challenger for any precinct from any one list. The list of challengers shall be presented to the chairman or secretary of the party committee of the county not less than seven days before the date on which the primary is to be held, and the committee or the chairman thereof shall make the appointments and certify to same at least four days before the date on which the primary is held. The appointment of challengers shall be certified in all respects as challengers at regular elections, except as otherwise provided in this section, and the challengers shall be subject to the same penalties and possess the same rights and privileges as challengers at regular elections, except that the challengers of one political party shall not be entitled to challenge persons who offer to vote for candidates of any other party in the primary. The provisions of this section shall be enforceable against the chairmen of the political party committees in the manner provided in KRS 116.110.

(2)Any organization of citizens which complies with the provisions of KRS 118.240 relative to such organizations may designate challengers in a primary election as provided in that section. Such challengers shall perform their duties in the same manner, be subject to the same penalties and have the same privileges as challengers designated by a political party, except that such challengers of an organization of citizens may challenge persons who offer to vote for candidates of either political party.

Section 4. Section 119.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The provisions of KRS 118.350 to 118.370 shall apply to primary elections, except that the tabulation of votes shall be on a separate sheet for each political party. Each candidate

or group of candidates, and each organization of citizens that has complied with the provisions of KRS 118.240 relative to such organizations, may designate representatives to meet with the county board of election commissioners, with all of the rights and privileges provided in KRS 118.380.

(2) The county board of election commissioners shall issue certificates of nomination where the successful candidates were voted for by a county or by a district less than one county, and shall file the original certificates as provided in KRS 118.120 and 118.130, and send duplicate copies of the certificates to the successful candidates. If the board finds that two or more candidates have received the highest and equal number of votes for nomination for the same office, the board shall determine by lot which of the candidates is nominated. In the case of candidates voted for by the state at large or by a district greater than one county, the votes shall be certified as provided in subsection (2) of KRS 118.400.

(3) The State Board of Election Commissioners shall issue certificates of nomination where the successful candidates were voted for by the state at large or by a district greater than one county. On the fourteenth day after the primary election, the State Board of Election Commissioners shall meet at the capitol and canvass the returns of the primary that have been certified and filed with the Secretary of State. After the board has completed the tabulation and canvass of the returns it shall immediately certify to the same, issue certificates, of nomination to the successful candidates, file the original certificates as provided in KRS 118.120 and 118.130, and send copies of the certificates to the successful candidates.

By Mr. Hill, Mr. Cobb, Mr. Melton, Mr. Robert Reid, Mr. Dowell, Mr. Mitchell, Mr. Caudill, Mr. Newsom, Mr. McFadden, Mr. Buchanan, Mr. Wirsch, Mr. Stumbo, Mr. Smith, Mr. Martin and Mr. Craig.

H. B. No. 449. AN ACT relating to administrative boards and commissions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every meeting of a state administrative board or commission

shall be open to the public and to the press, and any business conducted by a state administrative board or commission at a meeting which is not open to the public and the press is void.

By Mr. Mobley and Mr. Mitchell.

H. Res. No. 70. A JOINT RESOLUTION expressing the appreciation of the people of the Commonwealth of Kentucky to Paul Bryant for his service to the Commonwealth.

Said resolution is as follows, viz:

WHEREAS, during the eight year tenure of Paul Bryant as football coach at the University of Kentucky the standing of that institution's football team was rated to a pre-eminent place among the outstanding football teams of the nation; and

WHEREAS, Paul Bryant instilled in the boys who came under his guidance and teaching a sense of sportsmanship coupled with a great desire to succeed; and

WHEREAS, Paul Bryant was successful in inspiring his 1953 team to the great heights which enabled it to defeat the University of Tennessee and to thereby bring great joy and a renewed feeling of pride to the residents of the Commonwealth of Kentucky; and

WHEREAS, the people of the Commonwealth of Kentucky desire to express their appreciation to Paul Bryant for his service to the Commonwealth,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the General Assembly as spokesman for the people of the great Commonwealth of Kentucky do hereby tender and transmit to Paul Bryant their appreciation for his services to the Commonwealth and their best wishes for success in his new undertaking, and do hereby direct that this resolution be spread upon the record of the House and the Senate and that a copy of this resolution be transmitted by the Clerk of the House to Paul Bryant.

By Mr. Rouse.

H. Res. No. 71. A JOINT RESOLUTION authorizing Henry H. Meadows, of Boone County, to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Henry H. Meadows be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate him for the injuries and damages, if any, sustained by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents, officers and employes, in maintaining the bridge which spans Allen's Fork of Woolper Creek near Burlington, Kentucky on Kentucky State Highway Number 18.

Section 2. Said suit shall be for a sum not in excess of $30,000.00.

Section 3. That the action herein authorized and permitted may be brought in the Boone Circuit Court, same being the circuit court having jurisdiction in Boone county, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Boone Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be con-

sidered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 370. AN ACT relating to Workmen's Compensation, etc.

H. B. No. 295. AN ACT providing for the taking of the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth, etc.

S. B. No. 54. AN ACT relating to the Department of Mental Health and authorizing it to produce printing of any class for the use of hospitals and the department.

S. B. No. 55. AN ACT relating to the Department of Mental Health and establishing the confidential nature of certain records and reports.

S. B. No. 56. AN ACT relating to the Department of Mental Health, etc.

S. B. No. 57. AN ACT relating to the Department of Mental Health, its organization, functions, powers and duties.

S. B. No. 58. AN ACT relating to the hospitalization of mentally ill persons.

S. B. No. 59. AN ACT relating to the custody, support and treatment of incompetents.

S. B. No. 60. AN ACT relating to the inquest, commitment and discharge of incompetents.

H. B. No. 177. AN ACT relating to births and deaths.

H. B. No. 200. AN ACT relating to occupational license taxes.

H. B. No. 207. AN ACT relating to property taxation.

H. B. No. 209. AN ACT relating to motor vehicle operators licenses.

H. B. No. 240. AN ACT relating to narcotic drugs.

H. B. No. 239. AN ACT relating to local public health.

H. B. No. 344. AN ACT relating to local public health.

H. B. No. 392. AN ACT relating to fees of county court clerks.

S. B. No. 69. AN ACT relating to school property.

H. B. No. 252. AN ACT relating to juries.

H. B. No. 379. AN ACT relating to federal lands within the Commonwealth.

H. B. No. 342. AN ACT relating to trailer coach parks.

H. B. No. 343. AN ACT relating to flammable liquids.

S. B. No. 98. AN ACT relating to the powers of counties containing a city of the first class with respect to regulation of the erection, construction, reconstruction, relocation, remodeling, alteration, repair and maintenance of buildings within such county.

S. B. No. 33. AN ACT relating to juries.

H. Res. No. 64. A RESOLUTION extending congratulations and felicitations to the citizens of the city of Covington, etc.

H. B. No. 307. AN ACT relating to special Assistant Attorney Generals.

H. B. No. 373. AN ACT relating to property taxation.

H. B. No. 341. AN ACT relating to insurance, etc.

H. B. No. 300. AN ACT TO AMEND AN ACT relating to temporary permits and temporary licenses for student drivers, etc.

H. B. No. 380. AN ACT relating to registration and purgation; etc.

H. B. No. 305. AN ACT TO AMEND AN ACT relating to the application of minor; etc.

H. B. No. 346. AN ACT relating to the registration of motor vehicles.

H. B. No. 242. AN ACT TO AMEND AND RE-ENACT KRS 276.250, etc.

H. B. No. 393. AN ACT relating to per diem and expenses allowed members of county boards of education, etc.

H. B. No. 391. AN ACT relating to an exception to the requirement of separate schools for white and colored students, etc.

H. B. No. 366. TEACHERS' RETIREMENT ACT; etc.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion agreed to.

Whereupon said resolutions and bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

REPORT OF COMMITTEES

Mr. Billington, Chairman of the Committee on Insurance to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 407. An act relating to insurance contracts.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. E. Dowell, Chairman of the Committee on Cities of the Fifth Class to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 417. An act changing the classification of the City of LaCenter, in Ballard County.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Shelby McCallum, Chairman of the Committee on Fish and Game to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 431. An act relating to penalties for violations of game and fish laws.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture to which same had been previously referred, reported favorably a J.R. of the following title, viz:

J. R. No. 50. A Joint Resolution providing for an investigation, study and survey by the Legislative Research Commission regarding the laws of Kentucky with respect to control of diseased livestock and related matters.

Whereupon said Joint Resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 422. An act relating to the grazing of livestock on certain public grounds and providing a penalty therefor.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. M. Horn, Chairman of the Committee on Cities of the Third Class to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 317. An act relating to plumbers and plumbing.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 204. An act relating to property taxation.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 381. An act relating to the designation of the tuliptree or yellow-poplar as the official state tree of Kentucky.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 34. An act relating to the method of financing improvements to streets in cities of the second to the sixth class.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Jennings Kearby, Chairman of the Committee on Claims to which same had been previously referred, reported favorably a Joint Resolution of the following title, viz:

J. R. No. 39. A Joint Resolution authorizing Ora Mae Kincheloe, personal representative of the estate of Grover Cleveland Kincheloe, Sr., deceased, of Warren County, to sue the Department of Education and the Commonwealth of Kentucky, or either.

Whereupon said Joint resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 118. An act relating to trial commissioners and

judge pro tem in police courts in cities of the first class, and amending Section 26.220 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 130. An act relative to the powers of first class cities.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 121. An act relating to the purposes for which proceeds of bonds issued to meet the needs of city universities and colleges may be used.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Jennings Kearby, Chairman of the Committee on Claims to which same had been previously referred, reported favorably a Joint Resolution of the following title, viz:

J. R. No. 42. A Joint Resolution authorizing Esker Bert Davis, of Kenton County to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Whereupon said joint resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Jennings Kearby, Chairman of the Committee on Claims to which same had been previously referred, reported favorably a Joint Resolution of the following title, viz:

J. R. No. 40. A Joint Resolution authorizing Burton McGee,

the father and next friend of Stephen Edward McGee, a minor, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Whereupon said joint resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Jennings Kearby, Chairman of the Committee on Claims to which same had been previously referred, reported favorably a Joint Resolution of the following title, viz:

J. R. No. 29. A Joint Resolution authorizing the personal representative of the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either.

Whereupon said joint resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Jennings Kearby, Chairman of the Committee on Claims to which same had been previously referred, reported favorably a Joint Resolution of the following title, viz:

J. R. No. 22. A Joint Resolution authorizing Margaret Ann Minix, Administratrix of the estate of W. T. Stafford, Sr., deceased, to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either.

Whereupon said Joint Resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Will Tom Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 428. An act relating to refunding of excise taxes paid on gasoline, used in tractors or stationary engines operated for agricultural purposes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 427. An act relating to birth certificates, and amending subsection (4) of Section 213.050 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Will Tom Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 425. An act relating to condemnation for underground oil or gas storage fields giving access thereto, and amending Section 278.501 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 423. An act relating to children, and amending subsection (1) of Section 208.010 of the Kentucky Revised Statutes and subsection (2) of Section 208.020 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 406. An act pertaining to the regulation of mines and minerals, and amending Sections 352.220, 352.240 and 352.990 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 405. An act to make uniform the procedure on interstate extradition.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 403. An act relating to the State Fire and Tornado Insurance Fund.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 404. An act relating to Deposits of Insurers.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 402. An act relating to insurance, and amending sections 136.350, 136.360, 136.370, and 304.463 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 398. An act relating to the Department of Education, and amending Sections 156.020, 156.050, 156.060, 156.070, 156.090, 156.195, 156.110 and 156.160 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 135. An act relating to the terms of fiscal courts, enabling fiscal courts to hold monthly special terms, declaring an emergency, and amending Section 67.090 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 138. An Act relating to the Kentucky Historical Society.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 139. An act relating to the Library Extension Division.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 140. An act relating to the state library service and the distribution of public books; abolishing the Department of Library and Archives and the Legislative and Law Library; establishing a State Law Library; providing for the distribution of public books and documents; and providing for the transfer of functions and appropriations.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 142. An act relating to the use of recording devices in circuit courts and authorizing their purchase.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. R. Josh Cosby, Chairman of the Committee on Aviation to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 308. An Act relating to airport zoning.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 190. AN ACT relating to expenses of operating motor vehicles used by county officers and employes in counties containing a city of the first class.

Ordered that said bill be delivered to the Enrolling Clerk.

H. B. No. 284. AN ACT relating to the registration and licensing of the termite and pest control industry.

With Senate Amendments attached thereto as follows:

Amendment No. 1—On page 3, section 2, line 24, By striking out the word "two" and substituting in lieu thereof the word "one".

Amendment No. 2—On page 6, section 9, line 3, Insert after the comma following the word "thereon" the following: "or to persons who furnish or sell insecticides, fungicides or rodenticides, for application or use by others,"

Ordered delivered to the Clerk of the House.

A message was received from the Senate that they had passed a bill originating in that body as follows, viz:

S. B. No. 153. AN ACT concerning regulation of the manufacture, sale, transportation, distribution and use of economic poisons and devices, including fungicides, rodenticides and herbicides.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Economic poison" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal life or viruses (except viruses on or in living man or other animals) which the commissioner shall declare to be a pest;

(2) "Device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, bacteria, or weeds, or such other pests as may be designated by the commissioner, but not including simple, mechanical devices such as rat traps, or equipment used for the application of economic poisons when sold separately therefrom.

(3) "Insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever;

(4) "Fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungi, or plant disease;

(5) "Rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the commissioner shall declare to be a pest.

(6) "Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed;

(7) "Weed" means any plant which grows where not wanted;

(8) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice, also nematodes and other worms, or any other invertebrates which are destructive, constitute a liability, and may be classed as pests;

(9) "Fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, bacteria, and viruses, except those on or in living man or other animals;

(10) "Ingredient statement" or "guaranteed analysis statement" means either (a) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poisons; and, in addition, in case the economic poisons contains arsenic in any form, a statement of the percentage of total and water soluble arsenic, each stated as elemental (metallic) arsenic; or (b) a statement of the name of each active ingredient in the descending order of percentages, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic

poison (except option one shall apply if the preparation is highly toxic to man, determined as provided in section 6 of this Act);

(11) "Active ingredient" means an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests;

(12) "Inert ingredient" means an ingredient which is not an active ingredient;

(13) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment;

(14) "Person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not;

(15) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(16) "Registrant" means the person registering any economic poison pursuant to the provisions of this Act;

(17) "Label" means the written, printed, or graphic matter on, or attached to, the economic poison or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison or device;

(18) "Labeling" means all labels and other written, printed or graphic matter:

(a) Upon the economic poison or device or any of its containers or wrappers,

(b) Accompanying the economic poison or device at any time,

(c) To which reference is made on the label or in literature accompanying the economic poison or device, except when accurate, non-misleading reference is made to current official publications of the Agricultural Experiment Station, the College of Agriculture of the University of Kentucky, the Department of Agriculture, Labor and Statistics, the Department of Health, or similar Federal institutions or other official agencies of this state

or other states when such agencies are authorized by law to conduct research in the field of economic poisons;

(19) "Adulterated" means any economic poison the strength or purity of which falls below the professed standard or quality as expressed on labeling or under which it is sold, or any substance of which has been substituted wholly or in part, or any valuable constituent of which has been wholly, or in part, abstracted;

(20) "Misbranded" shall mean any economic poison or device:

(a) The labeling of which bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(b) Which is an imitation of or is offered for sale under the name of another economic poison;

(c) The labeling of which bears any false reference to registration under this Act;

(d) The accompanying labeling of which does not contain directions for use which are necessary and, if complied with, adequate for the protection of the public;

(e) The label of which does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

(f) The label of which does not bear an ingredient statement or guaranteed analysis statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement or guaranteed analysis statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;

(g) In which any word, statement, or other information required by or under the authority of this Act to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or

graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

(h) Which, in the case of insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized safe practice, shall be injurious to living man or other vertebrate animals or vegetation, to which it is applied, or to the person applying such economic poison, excepting pests and weeds.

Section 2. It shall be unlawful for any person to distribute, sell, or offer for sale within the state or deliver for transportation or transport in instrastate commerce or between points within this state through any point outside this state any of the following:

(1) Any economic poison which is not registered pursuant to the provisions of Section 5 of this Act, or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration; Provided, that, in the discretion of the commissioner, a change in the labeling or formula of an economic poison may be made, within a registration period, without requiring re-registration of the product; Provided further that changes at no time are permissible if they lower the efficacy of the product;

(2) Any economic poison, except in the registrant's or the manufacturer's unbroken immediate container, unless there is affixed to the container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing:

(a) The name and address of the manufacturer, registrant, or person for whom manufactured;

(b) The name, brand, or trade mark under which said article is sold; and

(c) The net weight or measure of the content subject,

however to such reasonable variations as the commissioner may permit;

(3) Any economic poison which contains any substance or substances in quantities highly toxic to man, determined as provided in Section 6 of this Act, unless the label shall bear, in addition to any other matter required by this Act.

(a) The skull and crossbones;

(b) The word "poison" prominently, in red, on a background of distinctly contrasting color; and

(c) A statement of an antidote for the economic poison.

(4) The economic poisons commonly known as lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium flousilicate, and barium flousilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this Act, or any other white powder economic poison which the commissioner, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; Provided, that the Commissioner may exempt any economic poison, to the extent that it is intended for a particular use or uses, from the coloring or discoloring required or authorized by this subsection if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health;

(5) Any economic poison which is adulterated or misbranded, or any device which is misbranded.

Section 3. It shall be unlawful:

(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or the rules and regulations promulgated hereunder, or to add any substance to, or take any substance from an economic poison in a manner that may defeat the purposes of this Act;

(2) For any manufacturer, distributor, dealer, carrier, or other person to refuse, upon a request in writing specifying the

nature or kind of economic poison or device to which such request relates, to furnish to or permit any person designated by the commissioner to have access to and to copy such records of business transactions as may be essential in carrying out the purposes of this Act;

(3) For any person to give a guaranty or undertaking provided for in Section 8 which is false in any particular, except that a person who receives and relies upon a guaranty authorized under Section 8 may give a guaranty to the same effect, which guaranty shall contain in addition to his own name and address the name and address of the person residing in the United States from whom he received the guaranty or undertaking;

(4) For any person to use for his own advantage or to reveal, other than to the commissioner, or officials or employes of the state or officials or employes of the United States Department of Agriculture, or other Federal agencies, or to the courts in response to a subpoena, or to physicians, and in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, in accordance with such directions as the commissioner may prescribe, any information relative to formulas of products acquired by authority of Section 5 of this Act;

(5) For any person to oppose or interfere in any way with the commissioner or his duly authorized agents in carrying out the duties imposed by this Act.

Section 4. In addition to the remedies herein provided, the commissioner is hereby authorized to apply to an appropriate court for, and such court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction restraining any person from violating any provision of section three, irrespective of whether or not there exists an adequate remedy at law.

Section 5. (1) Every economic poison which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within the state through any point outside this state shall be registered with the commissioner. The commissioner may register and permit the sale of any such economic poison which

has been duly registered without protest under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, but products so registered shall be subject to the inspection fees provided for herein, and to all other provisions of this Act. All registration of products shall expire on the thirtieth day of June, following date of issuance, unless such registration shall be renewed annually, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated; Provided that:

(a) Products which have the same formula, and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; additional names and labels shall be added by supplement statements during the current period of registration;

(b) Within the discretion of the commissioner, or his authorized representative, a change in the labeling or formulas of an economic poison may be made within the current period of registration, without requiring a re-registration of the product, provided the name of the item is not changed.

(2) The registrant shall file with the commissioner, a statement containing:

(a) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(b) The name of the economic poison;

(c) A complete copy of the labeling accompanying the economic poison and a statement of all claims made and to be made for it including directions for use; and

(d) If requested by the commissioner, a full description of the tests made and results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison was registered or last re-registered.

(3) The registrant, before selling or offering for sale any economic poison in this state, shall register each brand or grade of such economic poison with the department upon forms furnished by the department, and, for the purposes of defraying expenses connected with the enforcement of this Act, shall pay to the department an annual inspection fee of five dollars for each and every brand or grade to be offered for sale in this state provided, however, that any registrant may register annually any number of brands after the payment of annual fees aggregating $100. There shall be issued to the registrant by the department a license entitling the registrant to sell all duly registered brands in this state until the expiration of the license.

(4) The commissioner, whenever he deems it necessary in the administration of this Act, may require the submission of the complete formula of any economic poison. If it appears to the commissioner that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of this Act, he shall register the article.

(5) If it does not appear to the commissioner that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this Act, he shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with this Act so as to afford the registrant an opportunity to make the necessary corrections.

(6) The commissioner is authorized and empowered to refuse to register, or to cancel the registration of, any brand of economic poison as herein provided, upon satisfactory proof that the registrant has been guilty of fraudulent and deceptive practices in evasions or attempted evasions of the provisions of this Act or any rules and regulations promulgated thereunder; Provided, that no registration shall be revoked or refused until the registrant shall have been given a hearing by the commissioner.

(7) Notwithstanding any other provision of this Act, registration is not required in the case of an economic poison shipped

from one plant within this state to another plant within this state operated by the same person.

Section 6. The commissioner is authorized, after opportunity for a hearing:

(1) To declare as a pest any form of plant or animal life or virus which is injurious to plants, man, domestic animals, articles, or substances;

(2) To determine whether economic poisons are highly toxic to man;

(3) To determine standards of coloring or discoloring for economic poisons, and to subject economic poisons to the requirements for coloration or discoloration imposed by this Act;

The Commissioner is further authorized:

(1) To effect the collection and examination of samples of economic poisons and devices to determine compliance with the requirements of this Act; and he shall have the authority at all reasonable hours to enter into any car, warehouse, store, building, boat, vessel or place supposed to contain economic poisons, or devices, for the purpose of inspection or sampling, and to procure samples for analysis or examination from any lot, package or parcel of economic poison, or any device;

(2) To publish from time to time, in such forms as he may deem proper, complete information concerning the sale of economic poisons, together with such data on their production and use as he may consider advisable, and reports of the results of the analyses based on official samples of economic poisons sold within the State;

(3) To make, promulgate, alter, change, rescind such rules, regulations, and standards relating to the sale and distribution of economic poisons as he may find necessary to carry into effect the full intent and meaning of this Act;

(4) To cooperate with, and enter into agreements with, any other agency of this state, the United States Department of Agriculture, and any other state or agency thereof for the purpose of carrying out the provisions of this Act and securing uniformity of regulations.

Section 7. (1) If it shall appear from the examination or evidence that any of the provisions of this Act or the rules and regulations issued thereunder have been violated, the commissioner may cause notice of such violations to be given to the registrant, distributor, and processor from whom any sample or evidence was taken. Any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the commissioner. If it appears after such hearing that there has been a sufficient number of violations of this Act or the rules and regulations issued thereunder, the commissioner may certify the facts to the Commonwealth's attorney or the county attorney or the city attorney for the county or city in which the violation shall have occurred and furnish that officer with a copy of the results of any examination of such sample duly authenticated by the officer making the examination. It shall be the duty of every such attorney to whom the commissioner shall report any violation of this Act to cause proceedings to be prosecuted without delay for the fines and penalties in such cases. Any person convicted of violating any provision of this Act or the rules and regulations issued thereunder shall be adjudged guilty of a misdemeanor and shall be punished in the discretion of the court.

(2) Nothing in this section shall be construed as requiring the commissioner to report minor violations for the institution of proceedings under this Act, whenever the commissioner believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Section 8. The penalties provided for violations of section 2 of this Act shall not apply to:

(1) Any carrier, while lawfully engaged in transporting an economic poison within this state, if such carrier shall, upon request, permit the commissioner or his designated agent to copy all records showing the transactions in and movements of the articles;

(2) Public officials of this state and of the Federal government engaged in the performance of their official duties;

(3) The manufacturer or shipper of an economic poison for experimental use only:

(a) By or under the supervision of an agency of this state or of the Federal government authorized by law to conduct research in the field of economic poisons; or

(b) By others if the economic poison is not sold and if the container thereof is plainly and conspicuously marked "for experimental use only—Not to be sold," together with the manufacturer's name and address: Provided, however, that if a written permit has been obtained from the commissioner, economic poisons may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit;

(4) Any person who establishes a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom he purchased and received in good faith the article in the same unbroken package, to the effect that the article was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this Act, designating this Act. In such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of this Act.

(5) Any preparation, drug, or chemical intended to be used or sold solely for medicinal use or for toilet purposes.

Section 9. It shall be the duty of the commissioner to issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of economic poison and to hold at a designated place when the commissioner finds said economic poison is being offered or exposed for sale in violation of any of the provisions of this Act until the law has been complied with and said economic poison is released in writing by the commissioner or said violation has been otherwise legally disposed of by written authority; provided that the owner or custodian of such economic poison shall have the right to appeal from such order to a court of competent jurisdiction in the county where the said economic poison or poisons are found, praying for a judgment as to the justification of said order, and for the discharge of such economic poison from the order prohibiting the sale in accordance with the findings of the court; and provided further that the provisions of this paragraph shall not be con-

strued as limiting the right of the enforcement officer to proceed as authorized by other provisions of this Act. The commissioner shall release the economic poison so withdrawn when the requirements of the provisions of this Act have been complied with and upon payment of all costs and expenses incurred in connection with the withdrawal.

Section 10. Any lot of economic poison not in compliance with the provisions of this Act shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the county in which said economic poison is located. In the event the court finds the said economic poison to be in violation of this Act and orders the condemnation of said economic poison, it shall be disposed of in any manner consistent with the quality of the economic poison and the laws of the state; Provided, that in no instance shall the disposition of said economic poison be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said economic poison or for permission to process or relabel said product to bring it into compliance with this Act.

Section 11. All authority vested in the commissioner by virtue of the provisions of this Act may, with like force and effect, be executed by such employes of the department as the commissioner may from time to time designate for said purpose.

Section 12. All funds collected under the provisions of this Act shall be paid into the State Treasury and credited to the department's agency fund account.

Section 13. Jurisdiction in all matters pertaining to the distribution, sale and transportation of economic poisons is by this act vested exclusively in the Commissioner of Agriculture, Labor and Statistics and all acts and parts of acts inconsistent with this act are hereby expressly repealed including the provisions in Sections 217.010 and 217.400 of the Kentucky Revised Statutes which cover economic poisons subject to this Act.

Ordered printed and referred.

Mr. Brown moved that his name appear as a co-sponsor of H. B. 319.

Said motion agreed to.

Mr. L. M. T. Reed moved that his name appear as co-sponsor of H. B. 319.

Said motion agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 319. TEACHERS' RETIREMENT ACT. An Act Amending, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.620, Subsection (3) is hereby amended and enacted so as to read as follows:

(1) Effective July 1, 1954, and including living retired members and members who retire subsequently, no retirement allowance shall be less than eighteen dollars per service credit year, multiplied by the number of years of service credit, but by not more than thirty-five years. This minimum shall not exceed six hundred and thirty dollars. A member eligible for retirement having less than thirty-five years of service credit shall receive not less than his or her number of years multiplied by eighteen dollars, but in no case less than one hundred and twenty dollars. Any retirement allowance which has been or will be computed to be less than the applicable minimum herein provided shall be increased to said minimum.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the tihrd reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
William E. Maglinger
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
Russell Reynolds
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

—78

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 322. TEACHERS' RETIREMENT ACT. An act amending, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section (10) of Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

"Annual Salary" means the average annual salary which the member has received for his service as a teacher in the public schools of Kentucky for five years or for as many years if less than five, prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars; and during the five years or for as many years if less than five years, immediately preceding the following dates herein, except that any salary which exceeds two thousand dollars in any year prior to July 1, 1946, shall be considered two thousand dollars and any salary for any year subsequent to July 1, 1946, and prior to the effective date of this Act, which exceeds two thousand four hundred dollars shall be considered two thousand four hundred dollars and any salary subsequent to the effective date of this Act shall be the actual arithmetic average salary for any five consecutive years which will provide the highest average.

Section 2. Subsection (11) of Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

"Annual Compensation" after the effective date of this Act means the contractual salary and additions thereto received by a member as compensation for his services as a teacher in the public schools of Kentucky during a given fiscal year before any deductions.

Section 3. Section 161.540 of the Kentucky Revised Statutes is amended to read as follows:

Each member whose age on the first day of any current scholastic year is less than thirty years shall contribute to the Retirement System three per cent of his annual compensation. Each member whose age on the first day of any current scholastic year is thirty years and less than forty years shall contribute to the Retirement System four per cent of his annual compensation. Each member whose age is forty years or more on the first day of any current scholastic year shall contribute to the Retirement System five per cent of his annual compensation. The Contribution of a member shall not exceed his percentage, determined by his age, on his current annual compensation.

Section 4. Subsections (1) and (2) of Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

Subsection (1) The Retirement allowance of the member retiring for superannuation whose age of retirement is seventy years shall be 1% of his average annual prior service salary (as defined) for each of prior service credit plus 1½% of his average annual compensation for each year of subsequent service between the years 1941 and the effective date of this Act, plus a percentage in excess of 1½%, to be determined by the Actuary of the System and approved by the Board of Trustees, said determined percentage to be taken of his annual subsequent service salary (as defined) for the years after the effective date of this Act. The retirement allowance of a member retiring for superannuation whose age at time of retirement is less than seventy years shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age seventy will purchase as of the actual age of retirement of the member, according to the actuarial tables in use by the System. Retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age seventy. Said factors shall be determined by the Actuary of the Retirement System and approved by the Board of Trustees.

Subsection (2) For any member retiring on or after the

effective date of this Act, no retirement allowance shall be greater than one-half of the average annual compensation.

Section 5. This Act shall become effective July 1, 1956, or subsequently on a certain July 1, immediately following the date on which the General Assembly shall have appropriated a sufficient amount from the General Expenditure Fund of the State Treasury to match the contributions required by this Act.

Mr. Brown moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Edmonds moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	J. Murray Blue	R. Josh Cosby
Walter J. Bailey	J. C. Bradley	Vernor O. Cottengim
John Rhea Banton	Edward T. Breathitt, Jr.	Charles W. Craig
Clarence J. Barnum	John Young Brown	C. E. Dowell
Wallace Bartley	Charles W. Buchanan	James A. Dressman, Jr.
Charles E. Baumgardner, Sr.	Cassius M. Clay	Harold Edmonds
Owen Billington	Paul Cobb	Addison L. Everett
Leo A. Bleemel	William J. Conley	Herbert Fern
		Cabell D. Francis

W. L. Hadden
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
William E. Maglinger
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from Special Orders of the Day a bill of the following title, viz:

H. B. No. 28. AN ACT relating to special circuit judges of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created the office of special circuit judge of the Commonwealth of Kentucky.

Section 2. Each person who, after the effective date of this Act, has served as a regular circuit judge in this Commonwealth and whose total service as a regular circuit judge, in-

cluding service prior to the effective date of this Act, is as much as ten years, and who has contributed for a minimum of two years to the special circuit judge fund herein provided for, shall be eligible for appointment as a special circuit judge of the Commonwealth.

Section 3. Application for appointment as a special circuit judge shall be made to the Court of Appeals upon such forms and in such manner as may be prescribed by the Court of Appeals. The Court of Appeals shall appoint as a special circuit judge each person eligible therefor.

Section 4. Special circuit judges shall serve as special judges and perform such other duties as may be assigned them by the Court of Appeals or by the Chief Justice, and shall not hold any other public office or otherwise engage in the practice of law during their tenure as special circuit judges. Should any special circuit judge fail or neglect, without cause, to perform any duty assigned to him, the Court of Appeals shall forthwith remove him from his office by entering an order on its record, copies of which shall be transmitted to the person removed, the Department of Finance, and the special circuit judge committee.

Section 5. Each special circuit judge shall be paid out of the special circuit judge fund an annual salary of thirty-five hundred dollars, plus one hundred and fifty dollars for each year or major fraction thereof of service as a regular circuit judge in excess of ten years, provided that the number of years of service to be used in computing the compensation payable shall not exceed twenty. A special circuit judge who serves as a special judge shall be paid his expenses in the same manner and from the same source as provided by law for other special judges, if his service as a special judge requires that he be away from the county of his residence, but shall not receive a per diem.

Section 6. There is hereby established in the State Treasury a separate fund to be known as the special circuit judge fund. Each regular circuit judge shall contribute into this fund an amount equal to two percent of his annual salary as a circuit judge paid by the state, such contribution to be deducted by the State Treasurer from the monthly pay of each circuit judge

and credited in the special circuit judge fund to such circuit judge.

Section 7. The special circuit judge fund shall be under the exclusive control and management of a committee composed of a Justice or Commissioner of the Court of Appeals to be designated by the Chief Justice, three circuit judges to be selected by the circuit judges, and a member of the Kentucky Bar Association designated by the president of that organization. The terms of all members shall be for four years, beginning on July 1, 1954, and until their successors are appointed and qualify. Vacancies shall be filled by the original appointive or elective authority and shall be for the unexpired term. The members of the committee shall elect one of their number chairman and may designate the Secretary of the Judicial Council to act as secretary. The committee shall meet annually during the meeting of the Judicial Conference and at such other times and places as the chairman shall designate. The members of the committee shall be paid from the special circuit judge fund their necessary expenses in attending meetings of the committee.

Section 8. The committee may invest all or any part of the special circuit judge fund, not needed to compensate special circuit judges in War or Victory Bonds or other bonds of the United States of America. The committee shall have authority to make pro rata reductions in the compensation, payable under Section 5 hereof, when necessary to prevent exhaustion of the fund.

Section 9. Any circuit judge who has served less than ten years as a regular circuit judge and who attempts to continue in office by being a candidate for election and is defeated shall be refunded all contributions made to the fund by him upon the making of application therefor within one year from the date of said election.

Section 10. There is hereby appropriated to the special circuit judge fund, out of the General Expenditure Fund in the State Treasury, the sum of $32,800 for the fiscal year 1954-1955, and the sum of $7800 for the fiscal year 1955-1956.

Section 11. This Act shall become effective on July 1, 1954.

Mr. Harris offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 2, line 6. After the word for insert the following words "and who has reached his or her sixtieth birthday"

Said motion agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	J. Murray Blue	Paul Cobb
Walter J. Bailey	J. C. Bradley	William J. Conley
John Rhea Banton	Edward T. Breathitt, Jr.	R. Josh Cosby
Clarence J. Barnum	Edward O. Bridgers	Vernor O. Cottengim
Wallace Bartley	John Young Brown	Charles W. Craig
Charles E. Baumgardner, Sr.	Charles W. Buchanan	W. Marvin Davis
Owen Billington	Harry M. Caudill	John L. Day
Leo A. Bleemel	Cassius M. Clay	C. E. Dowell
		James A. Dressman, Jr.

Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
William E. Maglinger
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
—76

There voted in the negative—

James Treadway —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered aand that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 296. AN ACT relating to the Youth Authority, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 208.570 of the Kentucky Revised Statutes is amended to read as follows:

The director of the Youth Authority shall be the executive officer of the Authority and shall be responsible for the administration of the functions of the Authority, in accordance with policies established by the Commissioner of Welfare. The director shall serve as secretary of the Youth Authority Board. Administrative personnel of the Authority shall be appointed by the director.

Section 2. Section 208.580 of the Kentucky Revised Statutes is amended to read as follows:

The governing board of the Youth Authority shall serve in an advisory capacity and shall recommend policies for carrying out the functions of the Authority to the Commissioner of Welfare and to the director of the Youth Authority. The Commissioner of Welfare shall revise the policies of the Youth Authority in accordance with the recommendations of the board, and the disposition of children committed to the Youth Authority shall be in accordance with the policies so established. At least once each year the board shall review the case of each child committed to the Authority, so long as the child remains under the jurisdiction of the Authority.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
William E. Maglinger
William C. Mann
George R. Martin
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
LeRoy Saylor
W. R. Smith
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

—75

There voted in the negative—

Carl D. Melton

—1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Rouse moved that the rules of the House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

By Mr. Hilton, Mr. Smith and Mr. Lovelace.

H. B. No. 450. AN ACT relating to holidays, and amending Section 2.110 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 30th day of May (Memorial Day), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 4th of July (Independence Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the 11th day of November (Armistice Day), the 25th day of December (Christmas Day) of each year, and all days appointed by the President of the United States or by the Governor as days of thanksgiving, are holidays, on which all the public offices of this Commonwealth may be closed; and shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on

Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) When the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), or the 12th day of October (Columbus Day) fall on a day of the week other than Monday, they shall be observed on the Monday of the week in which they fall.

(3) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

Mr. Smith moved that the rules of the House be suspended for the purpose of making a motion.

Said motion agreed to.

Mr. Smith moved that H. B. No. 101 be read into the Calendar, the report of the Committee to the contrary notwithstanding.

Mr. Smith and Mr. Mann having requested a roll call, the yeas and nays were taken as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	Estill R. Hilton	Jack Raybourne, Jr.
Wallace Bartley	Jennings H. Kearby	LeRoy Saylor
John Young Brown	James W. Lambert	E. H. Stumbo
John L. Day	William C. Mann	C. Waitman Taylor
James A. Dressman, Jr.	Carl D. Melton	Mrs. Randolph Wilson
Cabell D. Francis	Alton B. Mitchell	Charles W. Wirsch
Henry R. Heyburn	Tom Mobley	Paul E. Young
Lon C. Hill	Walter R. Moorman	
	Eddie J. Morris	

—24

Those who voted in the negative were—

John Rhea Banton	Charles E. Baumgardner, Sr.	Owen Billington
Clarence J. Barnum		Leo A. Bleemel

J. Murray Blue	Herbert Fern	Paul T. Ratcliffe
J. C. Bradley	W. L. Hadden	L. M. Tipton Reed
Edward T. Breathitt, Jr.	Harold G. Helm	Robert Reid
	David Heskamp	Joe Rouse
Edward O. Bridgers	Chester J. Holsclaw	William A. Routh
Charles W. Buchanan	William M. Horn	Cecil C. Sanders
	William L. Jones	W. R. Smith
Harry M. Caudill	Talmage Lacy	Mrs. Thelma L. Stovall
Cassius M. Clay	George H. Lovelace	
Paul Cobb	Robert K. Montgomery	James Treadway
William J. Conley		Eulick Walsh
R. Josh Cosby	Goebel W. Newsom, Jr.	W. W. Webster
Vernor O. Cottengim		Warren D. Williams
Charles W. Craig	Foster Ockerman	T. D. Winstead
W. Marvin Davis	Louis T. Peniston	Walker H. Wiseman
Harold Edmonds	Edward D. Pollitte	—47

The result being 24 yeas and 47 nays, the motion was disagreed to, and

Said bill was rejected.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in that body as follows, viz:

S. B. No. 106. AN ACT relating to the office of mayor, commissioner and police judge in cities of the second, third and fourth class, etc.

S. B. No. 154. AN ACT relating to establishment and maintenance of county drainage districts, etc.

S. B. No. 143. AN ACT relating to the time and manner of paying taxes in cities of the second, third and fourth classes, etc.

S. B. No. 120. AN ACT relating to testamentary trusts.

S. B. No. 144. AN ACT relating to limited partnerships.

S. B. No. 165. AN ACT relating to the operation of municipally owned electric light and power plants, etc.

Ordered that said bills be printed and referred.

A message was received from the Senate that they had passed resolutions originating in that body as follows, viz:

S. Res. No. 41. A JOINT RESOLUTION providing for erection of a marker at the grave of Matthew Lyon, etc.

S. Res. No. 34. A JOINT RESOLUTION requesting members of the Federal Congress from Kentucky to take such steps as are necessary to cause the Department of Health of the Federal Government to remove the menace to health of the people in and around West and East Forks Drainage Districts located in Graves and Marshall Counties, Kentucky.

Ordered that said resolutions be printed and referred.

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 80. AN ACT relating to traffic regulations and equipment of vehicles.

H. B. No. 144. AN ACT relating to public works in cities other than the first class, etc.

H. B. No. 166. AN ACT relating to the Department of Agriculture, Labor and Statistics, etc.

H. B. No. 61. AN ACT relating to compensation for court reporters in circuit courts, etc.

H. B. No. 159. AN ACT relating to the terms of court in the Twenty-fourth Judicial District.

H. B. No. 172. AN ACT relating to special judges, etc.

Ordered that said bills be delivered to the Enrolling Clerk.

Mrs. Wilson moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion agreed to.

Mrs. Wilson moved that Rebecca Montgomery and Keith Montgomery be made honorary pages.

Said motion agreed to.

Mr. Blue moved that Martha Lou Billington and Linda Carol Billington be made honorary pages.

Said motion agreed to.

Mr. Treadway moved that the rules of the House be suspended for the purpose of making a motion.

Said motion agreed to.

Mr. Treadway moved that H. B. No. 106 be read into the Calendar, the report of the Committee to the contrary notwithstanding.

Mr. Lowman and Mr. Treadway having requested a roll call, the yeas and nays were taken as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Jennings H. Kearby	Edward D. Pollitte
Wallace Bartley	Talmage Lacy	Russell Reynolds
J. Murray Blue	James W. Lambert	W. R. Smith
R. Josh Cosby	Ralph E. McClanahan	C. Waitman Taylor
Harold G. Helm	Caleb McFadden	James Treadway
David Heskamp	William C. Mann	Charles W. Wirsch
Henry R. Heyburn	Alton B. Mitchell	Paul E. Young

—21

Those who voted in the negative were—

Harold Edmonds	Robert K. Montgomery	Mrs. Thelma L. Stovall
Lon C. Hill	Goebel W. Newsom, Jr.	William B. Wells
Estill R. Hilton	Paul T. Ratcliffe	Charles W. Burnley, Speaker
Chester J. Holsclaw		
Harry King Lowman		
George R. Martin		

—12

The result being 21 yeas and 12 nays, the motion was disagreed to, and

Said bill was rejected.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 280. AN ACT relating to transportation of malt beverages by distributors and amending KRS 243.180.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) A distributor's license shall authorize the licensee to purchase, import or store malt beverages and to sell them only, from the licensed premises, to other distributors, to retailers or to consumers for personal use and not for resale. A distributor shall transport malt beverages only by a vehicle owned, rented or leased and operated by himself, which has affixed to its sides at all times a sign of form and size prescribed by the state board, containing among other things the name and license number of the licensee. No distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier.

(2) A distributor's license must be obtained for each separate warehouse, agent, distributor, broker, jobber or place of business from which orders are received or beverages are distributed unless it is a licensed brewery.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John L. Day	George H. Lovelace
Walter J. Bailey	C. E. Dowell	Ralph E. McClanahan
John Rhea Banton	James A. Dressman, Jr.	William E. Maglinger
Clarence J. Barnum	Harold Edmonds	Eddie J. Morris
Charles E. Baumgardner, Sr.	Addison L. Everett	Foster Ockerman
Leo A. Bleemel	Herbert Fern	Edward D. Pollitte
Edward O. Bridgers	Thomas P. Fitzpatrick	Paul T. Ratcliffe
John Young Brown	Cabell D. Francis	Robert Reid
Charles W. Buchanan	W. L. Hadden	Mrs. Thelma L. Stovall
William J. Conley	Henry R. Heyburn	C. Waitman Taylor
R. Josh Cosby	Chester J. Holsclaw	Eulick Walsh
Vernor O. Cottengim	William M. Horn	Will Tom Wathen
Charles W. Craig	William L. Jones	William B. Wells
W. Marvin Davis	Jennings H. Kearby	

—41

Those who voted in the negative were—

Wallace Bartley	Harold G. Helm	Carl D. Melton
Owen Billington	David Heskamp	Walter R. Moorman
J. Murray Blue	Lon C. Hill	Louis T. Peniston
J. C. Bradley	Talmage Lacy	LeRoy Saylor
Harry M. Caudill	James W. Lambert	W. R. Smith
Cassius M. Clay	William C. Mann	James Treadway
Paul Cobb	George R. Martin	Paul E. Young

—21

Resolved that the title thereof be as aforesaid.

Mr. Bridger moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 143. AN ACT relating to advance fees of circuit clerks, amending Section 64.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.030 of the Kentucky Revised Statutes is hereby amended to read as follows:

Unless the plaintiff has established his right to prosecute as a poor person under KRS 453.190, each circuit clerk shall, when each original action commencing with original process in his respective court is filed, collect fifteen dollars and apply it as a credit on the clerk's fees accruing in the action.

Mr. Dressman offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, line 6, By striking the word "Fifteen" and substituting in lieu thereof the word "Ten"

Said motion was agreed to.

Said amendment adopted.

Mr. Young moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William C. Mann
George R. Martin
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
C. Waitman Taylor
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young

—64

Those who voted in the negative were—

Lon C. Hill
William M. Horn
James W. Lambert
Carl D. Melton
LeRoy Saylor
W. R. Smith
James Treadway

—7

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Moorman moved that the House adjourn until Monday, March 1, 1954, at 8:00 P. M.

Said motion was agreed to.

And the House did then adjourn.

MONDAY, MARCH 1, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Glenn Stephens, Pastor of the South Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan

Eddie J. Morris	Joe Rouse	Hicks Wells
Thomas J. Murphy	William A. Routh	William B. Wells
Goebel W. Newsom, Jr.	W. R. Smith	Warren D. Williams
Foster Ockerman	Mrs. Thelma L. Stovall	Mrs. Randolph Wilson
Louis T. Peniston	E. H. Stumbo	T. D. Winstead
Edward D. Pollitte	C. Waitman Taylor	Charles W. Wirsch
Paul T. Ratcliffe	James Treadway	Walker H. Wiseman
Jack Raybourne, Jr.	Eulick Walsh	Paul E. Young
Robert Reid	Will Tom Wathen	Charles W. Burnley, Speaker
Russell Reynolds	W. W. Webster	
Lloyd E. Rogers	Morris Weintraub	—88

Mr. Lowman moved that the reading of the Journal of the proceedings of Friday, February 26, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted to all absent members.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and Resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Fitzpatrick.

H. B. No. 451. AN ACT to provide for the mediation of disputes and grievances between the state government as an employer and its employees, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. No provisions of this act shall be construed to mean that the state or any subordinate jurisdiction thereof or any board, commission or department within such public jurisdiction shall be compelled to accept the recommendations of a mediation board as binding nor shall any group of employees

affiliated with a union or otherwise be compelled to abide by the recommendation of such mediation board; provided, however, that both parties to any dispute or grievance in the public employee field covered by this act shall be required to proceed in good faith according to the terms hereof to create a mediation board and to cooperate fully with such board in attending hearings, supplying data concerning all matters in dispute, to answer questions and in all other particulars to respond in good faith and to cooperate fully with such board in its attempt to settle the matter in dispute. Nor shall anything in this act be construed to affect, limit, or impair the right of any public employee to express his views, to make complaint or give testimony concerning any grievance pertaining to public employment or to the betterment of his or her working conditions. Nor shall the provisions herein be construed to authorize any public employer covered by this act to attempt or to deter any public employee working subject to his jurisdiction from affiliating with any union, association or other group of public employees nor shall a public employer refuse to consider grievances concerning employment problems with the representatives duly chosen by such union, association or affiliation of public employees.

SECTION 2. Whenever a public employer or the employing head of a board, commission, or department in the state service or in the services of any subordinate jurisdiction or whenever any union, association or group of public employees of a public unit of government decides by vote of such group that a grievance or matter in dispute which has been considered between the employer and the employee cannot be settled amicably and without disruption of the public service it shall be the duty of the employer or the employees, whichever party first serves notice in writing, that such party wishes to invoke the provisions of this act by the designation of one member of the mediation board.

Within forty-eight hours after such party has submitted such notice in writing to the other party it shall submit to such other party the full name and address of the person which it chooses to be its representatives on the mediation board and within twenty-four hours after the service of such notice upon the other party such other party shall in writing notify the first party that it is proceeding under the provisions of this act by designating

therein with full name and address its representative on the mediation board. The two persons so designated shall upon their appointment forthwith meet and agree upon a third person who shall be chairman of the mediation board.

SECTION 3. It shall be the duty of such mediation board to hold public hearings to consider the matter in dispute or the grievance at any place in the state for state employee-employer disputes of grievances, at any place within the jurisdiction of the county in county disputes and within the limits of the city in a city dispute. Such board shall have the authority to subpoena witnesses, to compel their attendance, to administer oaths, to take testimony and receive evidence and it shall possess the authority to discuss informally the matter in dispute or the grievance in the presence of both the employer or the employee or their representatives. Following the conclusion of such public hearings or such public consideration of the problem involved, such board shall within thirty days make determination of the issues involved in such disputes or grievances, prepare recommendations thereon in writing and submit a signed copy to the governor in the case of a dispute in the state employee field, to the chairman of the county board or commission in the case of a county dispute and to the mayor or city manager in the case of a dispute in city service, and a signed copy to the employer and to the representative of the employees.

SECTION 4. The employer and the employees concerned shall in good faith study the recommendations so prepared by the mediation board and if either party to the dispute or grievance after such consideration of the recommendations feels that for some reason it cannot accept the recommendation it shall notify the opposing party in writing and give reasons therefor. In such event either party to the dispute shall be entitled to ask the board of mediators for further consideration. Whenever further consideration os so requested both parties to the dispute shall be bound to respond a second time as hereinbefore provided and the mediation board shall be privileged to exercise all of the powers with which it is clothed.

SECTION 5. The members of boards of mediation shall not receive compensation for their work but they shall be reim-

bursed for any actual or necessary expenses incurred in connection therewith, and the unit of government involved shall be obligated upon proper affidavit thereof to pay from the treasury actual costs including subpoena services and other expenses.

SECTION 6. This act shall become effective July 1, 1954.

By Mr. J. Raybourne.

H. B. No. 452. AN ACT relating to livestock markets and the posting of bond for the protection thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Every commercial packer, buyer and dealer purchasing livestock on livestock markets within the Commonwealth of Kentucky, shall furnish a bond payable to the Department of Agriculture, Labor and Statistics, as trustee for the livestock markets, for the protection of livestock markets to whom such commercial packers, buyers and dealers are unable to pay for livestock received. Said bonds shall be in amounts and subject to conditions prescribed by the Department of Agriculture, Labor and Statistics.

Section 2. The provisions of this Act shall not apply to posted stockyards, farmers buying for feeding purposes and others who may be exempted by rules or regulations of the Department of Agriculture, Labor and Statistics.

Section 3. The Department of Agriculture, Labor and Statistics is hereby authorized and empowered to make and promulgate such rules and regulations as are necessary to the enforcement and carrying out of this Act.

By Mr. Heyburn.

H. B. No. 453. AN ACT to establish a presidential election and preference vote.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Every political party, as defined in KRS 119.010, shall elect all of its delegates and alternate delegates to any presidential nominating convention of the national political party with which it is affiliated at a presidential primary election held as provided in this Act, and the governing authority of any political party shall have no power to elect or provide for the election of any such delegate or alternate delegate other than by presidential primary elections as provided in this Act.

(2) Any political organization not constituting a political party, as defined in KRS 119.010, may elect its delegates and alternate delegates to presidential nominating conventions by a convention or primary held by such organization in accordance with its constitution and by-laws.

Section 2. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hours of 6:00 a.m. and 5:00 p.m. at the regular polling places in each election precinct, except that in presidential election years the primary election shall be held on the third Saturday in May, between the hours of 6:00 a.m. and 5:00 p.m. at the regular polling places in each election precinct.

Section 3. The governing authority of each political party shall, at least seventy-five days before the presidential primary election, certify to the Secretary of State the number of delegates-at-large and alternates-at-large from the entire state, and the number of district delegates and district alternates from each congressional district, which the party shall be entitled to send to its presidential nominating convention.

Section 4. (1) Any person who is qualified under KRS 119.200 to vote the ballot of a political party in a primary election shall be qualified to be elected as a delegate or alternate delegate of that party to a presidential nominating convention.

(2) Every qualified candidate for delegate or alternate delegate who files with the Secretary of State, at least fifty-five days before the presidential primary election, a declaration as

provided in section 5 of this Act, including one of the alternative pledges as provided in section 6 of this Act, together with an affidavit as provided in section 7 of this Act, subscribed and sworn to by the candidate and affiants respectively before an officer authorized to administer an oath, shall have his name placed on the ballot of his political party in the presidential primary election.

Section 5. (1) The declaration to be filed by a candidate for delegate or alternate delegate shall be in the following form:

"Declaration.

"Of _____ for election as _____ (delegate-at-large) (alternate-at-large) (district delegate from the_____ _____ congressional district) (district alternate from the _____ congressional district) to the presidential nominating convention of the _____ Party.

"To the Secretary of State,

"Commonwealth of Kentucky.

"_____ County.

"For the purpose of having my named placed on the official presidential primary election ballot as a candidate for election as delegate to the presidential nominating convention by the _____ Party, I, _____ (name in full as desired on the ballot), do solemnly swear that I reside at No. _____, _____ Street, in the City of _____, State of Kentucky, and that I am a registered _____ (party) and voter in _____ precinct, City _____; that I believe in the principles of the _____ Party, and intend to support its principles and policies and vote for its nominees at the coming regular election; that I was affiliated with such party and supported its nominees at the last regular election, or was prevented from doing so by reason of _____ (state reason here); that if elected as a delegate of such party at the ensuing presidential primary election I will accept election and not withdraw; and that I will not knowingly violate any election law or any law relating to corrupt and fraudulent practices in campaigns or elections in this state.

There is filed herewith the declaration of _____ as my alternate delegate. (The declaration of an alternate delegate shall omit the word "alternate" and insert in lieu thereof the word "principal")

"I further solemnly swear that I am a bona fide candidate for election and am honestly seeking the position of delegate for which this declaration is filed; that I am not running in the interests of any other candidate; and that I am in no sense a "dummy" candidate within the meaning of the primary election law.

"_____ (pledge in one of the alternative forms provided in section 6 of this Act).

_____
"(Signature of Candidate)

"Subscribed and sworn to before me by _____, this _____ day of _____, 19____.

_____
"(Signature of officer)

_____
"(Title of officer)."

Section 6. (1) A candidate for delegate or alternate delegate shall include in his declaration a pledge, in one of there forms, as to how he will vote at the presidential nominating convention if elected and entitled to vote thereat, provided however that the pledge of an alternate shall not differ from that of his principal delegate, and if there is a variance the Secretary of State shall not certify either principal delegate or his alternate to the county clerks.

Firstly, he may pledge himself to support the nomination of a particular candidate for President of the United States; in which case his name shall appear on the ballot followed by the words "PLEDGED TO _____ (name)". Or, secondly, he may pledge himself to support the nomination of that candidate for President of the United States who is the winner of the preference vote in the state, in the case of a candidate for delegate-at-large or alternate-at-large, or the winner in his congressional district, in the case of a candidate for district delegate

or district alternate; in which case his name shall appear on the ballot followed by the words "PLEDGED TO WINNER OF PREFERENCE VOTE". Or, thirdly, he may pledge himself to support the nomination of that candidate for President of the United States who, at the time of the nominating convention, appears best qualified to promote the public interest and the principles and policies of their party; in which case his name shall appear on the ballot followed by the word "UNPLEDGED".

(2) The pledge by a candidate for delegate or alternate delegate who seeks to appear on the ballot as pledged to a particular candidate shall be in the following form:

"I pledge that if I am elected to the position of delegate for which this declaration is filed, and entitled to vote at the presidential nomination convention of the _____ Party, I will vote for the nomination of _____ (name in full as desired on the ballot) to be the candidate of such party for President of the United States on the first ballot at such convention, and for as long thereafter as it appears possible that he may be nominated, or until released from this pledge by him."

(3) The pledge by a candidate for delegate or alternate delegate who seeks to appear on the ballot as pledged to the winner of the preference vote in the state at large, or in his congressional district, as the case may be, shall be in the following form:

"I pledge that if I am elected to the position of delegate for which this declaration is filed, and am entitled to vote at the presidential nominating convention of the _____ Party, I will vote for the nomination of the winner of the preference vote _____ (in the case of a candidate for delegate-at-large or alternate-at-large: "the state as a whole") (in the case of a candidate for district delegate or district alternate: "the_____ congressional district") to be the candidate of such party for President of the United States on the first ballot at such convention, and for as long thereafter as it appears possible that he may be nominated, or until released from this pledge by him."

(4) The pledge by a candidate for delegate or alternate

delegate who seeks to appear on the ballot as unpledged shall be in the following form:

"I pledge that if I am elected to the position of delegate for which this declaration is filed and am entitled to vote at the presidential nominating convention of the _____ Party, I will vote for the nomination of that candidate who, at the time of such convention, appears best qualified to promote the public interest and the principles and policies of such party, to be the candidate of such party for President of the United States."

(5) The pledges herein provided for shall not be deemed to violate the provisions of KRS 123.040.

Section 7. Together with this declaration and pledge, a candidate for delegate or alternate delegate shall file an affidavit of two reputable electors who are members of the party to which the candidate belongs, which affidavit shall be in the following form:

"Commonwealth of Kentucky.

"_____ County.

"We, _____ and _____, do solemnly swear that we are qualified electors and members of the _____ _____ Party, and were affiliated with that party and supported its nominees at the last regular election; that we are residents and legal voters of the city of _____, County of _____, State of Kentucky; and that we are personally acquainted with _____ _____ and know him to be a qualified elector and a member of the _____ Party. We further solemnly swear to the best of our knowledge and belief that he has affiliated with and supported that party as defined in the primary election law; that he is a resident of the city, county, and state set out in his declaration; that he is qualified for election to the position of delegate for which his declaration is filed; and that he is a bona fide candidate, not running in the interest of any other candidate, and not a "dummy" candidate within the meaning of the primary election law.

_____

"(Signature of affiants)

"Subscribed and sworn to before me by _____ and _____, this _____ day of _____, 19____.

_____
"(Signature of officer)

_____
"(Title of officer)"

Section 8. (1) Each candidate for delegate must, at the same time that he files a declaration as principal delegate as provided in section 5, file the declaration of his alternate delegate. The Secretary of State shall not certify any principal delegate to the county clerks unless such delegate's declaration was accompanied by that of his alternate, and no alternate shall be so certified if his declaration was unaccompanied by the declaration of one principal delegate. A principal delegate may have only one alternate.

(2) A vote for a principal delegate shall also be counted as one vote for his alternate.

Section 9. In conjunction with the election by each political party of its delegates and alternate delegates to its presidential nominating convention, there shall be held a preference vote among those candidates for nomination by such party to be President of the United States who are duly entered in such vote.

Section 10. (1) Any person who will be qualified under the Constitution of the United States to hold the office of President, and who, if a citizen of the State of Kentucky, is qualified under KRS 119.200 to vote the ballot of a political party in a primary election, shall be qualified to be entered as a candidate in the presidential preference vote of that party.

(2) Every qualified candidate for whom there is filed with the Secretary of State, at least sixty-five days before the presidential primary election, an affidavit as provided in section 10 of this Act, subscribed and sworn to before an officer authorized to administer an oath, together with a petition as provided in section 11 of this Act, and who does not withdraw as permitted by section 12 of this Act, shall have his name printed on the ballot of his political party in the presidential primary election.

Section 11. To enter a candidate in the presidential prefer-

ence vote of a political party, two reputable electors who are members of that party shall file an affidavit in the following form:

"Affidavit.

"To enter _____ in the presidential preference vote of _____ Party.

"Commonwealth of Kentucky.

"_____ County.

"For the purpose of entering _____ (name in full as desired on the ballot), who resides at No. _____, _____ Street, in the City of _____, State of _____, in the presidential preference vote of the _____ Party, we, _____ and _____, do solemnly swear that we are qualified electors and members of the _____ Party; that we were affiliated with that party and supported its nominees at the last regular election; and that we are residents and legal voters of the City of _____, County of _____, State of Kentucky. We further solemnly swear to the best of our knowledge and belief that _____ will be qualified under the Constitution of the United States to hold the office of President; that he is a member of the national _____ Party and supports its principles and policies, and is qualified to be entered in the presidential preference vote of such party in this state; and that if nominated he would accept the nomination and not withdraw, and if elected he would qualify for the office.

"We further solemnly swear that we are entering _____ as a bona fide candidate; that we honestly seek his nomination as President; and that we are not entering him in the interest of any other candidate.

_____

"(Signatures of affiants)

"Subscribed and sworn to before me by _____ and _____, this _____ day of _____, 19____.

_____

"(Signature of officer)

_____

"(Title of officer)"

Section 12. (1) Together with their affidavit, the two reputable electors entering the name of a candidate in the presidential preference vote of a political party shall file a petition which must contain the signatures of at least one thousand different qualified electors who are registered voters and members of that party, at least fifty of whom are residents and registered voters in each congressional district in the state. Every such signature shall be accompanied by the address of the elector. The petition shall comprise as many sheets as may be necessary, all of which however shall be filed together. Each sheet shall be signed at the bottom by the person circulating it, as his affirmation that he has witnessed each signature appearing on the sheet.

(2) Each sheet of the petition shall be in the following form:

"Petition.

"To enter _____ in the presidential preference vote of the _____ Party.

"We, the undersigned, qualified electors of the state of Kentucky and registered voters in the _____ Party, support the nomination of _____ by our party to be President of the United States, and hereby petition that his name be entered in the presidential preference vote of our party to be held on _____ (date of presidential primary).

"Signature of Voter	"Address
_____	_____
_____	_____
_____	_____

"I hereby declare that I am the person who has circulated this petition sheet, and that each of the above signatures was made in my presence, and that to the best of my knowledge and belief each signature is that of a registered voter and member of the _____ Party.

_____	_____
"(Date)	"(Signature of person circulating petition sheet)"

Section 13. (1) The Secretary of State shall notify every candidate who has been entered in the presidential preference vote by registered mail at least sixty-three days before the presidential primary election, and shall inform him of his right to withdraw his name as provided in subsection (2) of this section.

(2) If a candidate who has been entered in the presidential preference vote shall notify the Secretary of State at least forty-nine days before the presidential primary election that he will not be qualified under the Constitution of the United States to hold the office of President, or that he is not a member of the political party in whose preference vote he has been entered, or that if nominated he would not accept, or that he does not wish his name to be entered in the preference vote for any other reason, then the Secretary of State shall cancel his nomination papers and his name shall not appear in the register of candidates or on the ballot for the preference vote.

Section 14. (1) All nomination papers filed under Sections 4 and 9 of this Act shall be subject to inspection in the same manner as is provided in KRS 119.100, and shall be preserved by the Secretary of State in the same manner as is provided in KRS 119.110.

(2) A register of candidates in the presidential primary election shall be made and kept by the Secretary of State in the same manner as is provided in KRS 119.120, except that it shall not include candidates entered in the presidential preference vote who have withdrawn.

Section 15. If it appears, after the expiration of the time for filing of nomination papers by delegate candidates, or the time for withdrawal of candidates from the presidential preference vote, that valid nominating papers have been filed for no more candidates of a political party for delegate-at-large, or for alternate-at-large, or for district delegate or for district alternate from any congressional district, than the number to be elected as certified to the Secretary of State by the governing authority of that party according to section 3 of this Act, or that only one candidate has been entered in the presidential preference vote of that party and has not withdrawn, then the Secretary of State shall immediately issue and file in his office certificates of elec-

tion for such delegate candidates, or a certificate of preference for such presidential candidate, and shall send a copy to each such candidate.

Section 16. (1) The candidates in a presidential primary election shall be grouped together on the ballot or ballot labels of each political party in each congressional district as follows: *first,* all candidates entered in the presidential preference vote shall be grouped together under the heading "PRESIDENTIAL PREFERENCE VOTE—VOTE FOR ONE"; *second,* all candidates for delegate-at-large shall be grouped together under the heading "DELEGATE-AT-LARGE: VOTE FOR_____ (number to be elected)"; and *third,* all candidates for district delegate from that congressional district shall be grouped together under the heading: DISTRICT DELEGATE: VOTE FOR_____ _____ (number to be elected). The names of alternate delegates shall be printed in smaller type, enclosed in parenthesis, under that of each principal delegate.

(2) Except as provided in subsection (1) of this section, the official presidential primary ballot or ballot labels of each political party shall be printed in substantially the same manner as is provided in KRS 119.180 and 125.060.

Section 17. (1) The order in which the names of candidates entered in the presidential preference vote and candidates for delegate-at-large shall appear on the ballot or ballot labels of each political party under the appropriate heading shall be determined by the Secretary of State in the same manner as is provided in subsection (1) of KRS 119.140 or in KRS 125.070.

(2) The order in which the names of candidates for district delegate shall appear on the ballot of each political party in each congressional district under the appropriate heading shall be determined by the Secretary of State in the same manner as is provided in subsection (2) of KRS 119.140 or 125.070.

Section 18. (1) Not less than forty-five days before the presidential primary election is to be held, and after the order of names on the ballot of each political party has been determined as provided in section 16 of this Act, the Secretary of State shall certify to the county clerks of the respective counties

the name and state of each candidate entered in the presidential preference vote of each party; the name, place of residence, and form of pledge designation as provided in subsection (1) of section 6, of each candidate for delegate-at-large and of each candidate for district delegate from that congressional district; and the order in which the candidates shall appear on the ballot in such county.

(2) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate for delegate or alternate delegate who has not filed the required nomination papers, or of any presidential candidate for whom there has not been filed the required nomination papers, or who has withdrawn his name; nor shall he knowingly fail to certify the name of any candidate who has filed the required nomination papers, or for whom such papers have been filed, and who has not withdrawn his name.

Section 19. (1) The county clerk of each county shall be under the same duties and liabilities in regard to the printing of ballots and placing of names thereon, and in regard to the publication of such names, as is provided in KRS 119.160 and 119.190.

(2) Any candidate may compel compliance with the law regarding the printing of ballots and placing of names thereon by court order in the same manner as is provided in KRS 119.170.

Section 20. The qualifications of voters in a presidential primary election shall be the same as in a regular primary election, as defined in KRS 119.200.

Section 21. Election officers and challengers for a presidential primary election shall be selected in the same manner as is provided in KRS 116.090 and KRS 119.210, provided however, that for the purpose of calculating percentages of bona fide candidates who may be entitled to appoint one or more of such election officers or challengers under those sections, only delegate candidates, and not presidential candidates, shall be included in the calculation.

Section 22. (1) The number of candidates for delegate-at-large, alternate-at-large, and district delegate and district

alternate from each congressional district who shall be deemed elected by each political party shall be the number as certified by the governing authority of such party according to section 3 of this Act; those candidates shall be elected to each such position, and shall receive certificates of election, who receive the highest number of votes.

(2) The candidate in the presidential preference vote of each party who receives the highest number of votes in each congressional district, and in the state at large, shall be the winner of the preference vote of his party in that congressional district, or in the state at large, as the case may be, and shall receive a certificate of prefence accordingly.

(3) Certificates of election and of preference shall be issued in the same manner as is provided in subsection (3) of KRS 119.230, and copies thereof shall be sent to the successful candidates. Copies of the certificates of preference issued to winners of the presidential preference vote in each party shall also be sent to all successful delegate candidates of that party who appeared on the ballot as pledged to the winner of the preference vote.

Section 23. If for any reason an elected delegate-at-large or district delegate to a presidential nominating convention is unable to attend or give his vote at such convention or any session thereof, the alternate-at-large or district alternate from his congressional district, respectively, whose name appeared under his on the ballot shall act and vote in place of such delegate. The governing authority of any political party shall have no power to fill or provide for the filling of any vacancy among its delegates or alternate delegates otherwise than according to this section.

Section 24. (1) The manner of issuing, marking, and casting ballots in presidential primary election shall be the same as is provided in KRS 119.220 for primary elections; the manner of canvassing returns shall be the same as is provided in subsections (1) and (3) of KRS 119.230; and the manner of providing supplies and compensating officers shall be the same as is provided in subsection (2) of KRS 119.260.

(2) Except as otherwise provided in this Act, presidential

primary elections shall be conducted in substantially the same manner as is provided by law for regular elections.

(3) Voting machines may, subject to the limitations contained in KRS Chapter 125, be used in any presidential primary election and preference vote, and references in this Act to ballots shall apply equally to ballot labels and the laws relating thereto.

Section 25. (1) Any person who files a declaration under section 5 of this Act with the intent to be a "dummy" candidate as defined in KRS 119.060, or in the interest of any other candidate; any person who knowingly submits an affidavit under sections 7 or 10 of this Act for a candidate who is such a "dummy" candidate, or in the interest of any other candidate; and any person who solicits, persuades, urges, influences, or induces the filing of any such declaration or affidavit; shall be fined not less than fifty dollars nor more than five hundred dollars, or confined in the county jail for not less than thirty days nor more than ninety days, or both.

(2) If the Secretary of State violates any of the provisions of subsection (2) of Section 17 of this Act, or if any county clerk violates any provision of subsection (1) of section 18 of this Act, he shall forfeit his office, and upon conviction shall be confined in the penitentiary for not less than one year nor more than three years.

(3) Any officer who willfully or neglectfully fails to prepare or furnish ballots as required of him by this Act shall be fined not less than one thousand dollars nor more than two thousand dollars for each offense, and in addition thereto may be confined in the county jail for not less than sixty days nor more than six months.

By Mr. Fitzpatrick.

H. B. No. 454. AN ACT relating to the compensation of certain elective state officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.480 of the Kentucky Revised Statutes is amended to read as follows:

Effective, with respect to the offices of Governor and Lieutenant Governor, on the fifth Tuesday following the regular November election in 1955, and with respect to the other offices named in this section, on the first Monday in January, 1955, the compensation of the following named officers, payable monthly out of the State Treasury, shall be the sum per annum designated for the respective offices, as follows:

Governor, $15,000.

Lieutenant Governor, $10,000, this to be in addition to any per diem received during sessions of the General Assembly while serving in the capacity of President of the Senate, and any compensation received while acting in the place of the Governor.

Attorney General, $10,000.

Superintendent of Public Instruction, $10,000.

Commissioner of Agriculture, Labor and Statistics, $10,000.

Secretary of State, $7,500.

State Treasurer, $7,500.

Auditor of Public Accounts, $7,500.

Clerk of the Court of Appeals, $7,500.

By Mr. Kearby, Mr. Melton, Mr. Brown, Mr. Clay and Mr. Hill.

H. B. No. 455. AN ACT relating to political parties and the selection of precinct committeemen and committeewomen.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Precinct committeemen and committeewomen of any political party as defined under KRS 119.010, shall be selected in the voting precinct of each county in accordance with the rules of the above referred to political parties, at a meeting in each precinct to be held not less than twenty days prior to the primary election held on the third Saturday in May during presidential election years.

Section 2. The terms of office of precinct committeemen and committeewomen shall be four years and until their successors are chosen and qualified. Vacancies shall be filled as provided in the rules of the respective political parties.

Section 3. Any person who is a qualified, registered voter, affiliated with a political party defined in KRS 119.010 shall be qualified to serve as precinct committeeman or committeewoman of that party.

By Mr. Mitchell and Mr. Mobley.

H. B. No. 456. AN ACT relating to establishments serving the public in Jefferson County, and the prices charged by such establishments on Derby Day.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Every establishment serving the public in Jefferson County, shall not on Derby Day, charge prices for services rendered or products sold, exceeding the average charged for such services or products during the thirty day period immediately prior to Derby Day.

(2) Every violation of this Act shall be punishable by a fine of not less than two hundred dollars nor more than five hundred dollars.

By Mr. Morgan.

H. B. No. 457. AN ACT limiting the number of railroad cars, length of trains, and providing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any freight train to operate over any line, road or portion thereof within the Commonwealth, which consists of more than seventy freight cars, exclusive of caboose. No freight train shall operate which exceeds 4000 lineal feet.

Section 2. Any person who violates the provisions of this Act shall be fined not less than one hundred dollars, nor more than one thousand dollars for each offense.

Section 3. This Act shall not apply in cases of engine failures between terminals.

By Mr. Moorman.

H. B. No. 458. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals.

Said bill is as follows, viz:

WHEREAS, it is required by Section 112 of the Constitution of Kentucky that the Judges of the Court of Appeals be paid an adequate compensation for their services; and

WHEREAS, this provision of the Constitution means that the compensation of the Judges shall be equal, and it was so held in the case of Stone v. Pryor, 45 S.W. 1053; and

WHEREAS, the General Assembly previously has determined that $12,000 is an adequate compensation for the services of Judges of the Court of Appeals, but existing legislation provides for the payment of such compensation only upon the commencement of new terms; with the result that one Judge of the Court of Appeals is now receiving the compensation so determined to be adequate, and commencing January 1, 1955, another Judge would commence to receive such compensation, but the other Judges with longer experience on the Court would continue for a period of years to receive an unequal and inadequate compensation;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The compensation of Judges of the Court of Appeals, payable out of the State Treasury, shall be $12,000 per annum for each Judge. The compensation of Commissioners of the Court of Appeals appointed pursuant to subsection (1) of KRS 21.150 shall be $10,800 per annum for each Commissioner.

Section 2. KRS 64.495 is repealed.

Section 3. This Act shall take effect on January 1, 1955.

By Mr. Wathen.

H. B. No. 459. AN ACT relating to city garbage disposal service and the collection of charges therefor from users thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) In any city acquiring a garbage disposal system under the provisions of KRS 94.281 to 94.287, the city legislative body may permit the charges for garbage disposal service to be included on the same bill rendered to customers by any municipally-owned and operated utility, and the collecting agency may not accept payment of any bill rendered by a municipally-owned utility until the garbage disposal charges included thereon are paid.

(2) A city may discontinue municipally-owned and operated utility service to any customer failing to pay garbage disposal charges.

A city shall have a lien for the payment of garbage disposal charges upon the property of users of garbage disposal service.

By Mr. Banton.

H. B. No. 460. AN ACT relating to pension fund resources for policemen's and firemen's pension funds, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The policemen's and firemen's pension fund in cities of the fourth class shall consist of:

(a) The proceeds of an annual tax, which may be levied by the City legislative body, of not more than three cents on each one hundred dollars in value of taxable property.

(b) All rewards, fees, gifts or emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(c) Assessments, which the board of trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three and one-half percent of his salary, to be withheld from the monthly salary and paid by the city treasurer into the pension fund.

(d) The appropriation and contribution by each city of the fourth class in which a policemen's and firemen's pension fund is created and being maintained, of an annual sum equal to the amount of any tax, excepting ad valorem taxes, levied and collected by such city from persons, firms, or corporations doing business in such city, based upon premiums charged for policies insuring against loss by fire, windstorm, tornado, explosion, automobile liability or collision, robbery, theft, burglary, personal injury by accident, personal incapacity by sickness, and policies of insurance upon the lives of human beings, whether the said policies be ordinary or industrial, group, or other form.

Said fund shall be for the pensioning of any policeman or fireman who has served in the police or fire departments for at least a period of twenty years or more, providing that applicant has reached his fifty-first birthday, and all members of the police and fire departments shall be entitled to be credited with the services rendered continuously prior to the adoption ordinance under the provisions of section 95.761 Kentucky Revised Statutes, by said city, to the eligibility of the twenty years or more, period for pension, not less than three, nor to exceed fifteen years of previous service, and for the further purpose of pensioning any member of the police or fire department who may become crippled permanently while in the service and on duty, and for the further purpose of pensioning the widow or dependent children, under fourteen (14) years of age, or either of them, of any member of said departments who may lose his life while in the service and on active duty. The payments made under the provisions of this section shall constitute and be kept as a fund to be called the "Policemen's and

Firemen's Fund", and the board of trustees of the Policemen's Pension Fund, are declared to be the trustees of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

By Mr. Breathitt.

H. B. No. 461. AN ACT relating to traffic regulation, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.450 of the Kentucky Revised Statutes is hereby amended to read as follows:

"(1) No person shall stop a vehicle, leave it standing or cause it to stop or to be left standing upon the main traveled portion of a highway; provided, however, that this section shall not be construed to prevent parking off the main traveled portion of a highway or street in a city or suburban area where such parking is otherwise permitted. This subsection shall not apply to:

(a) A vehicle that has been disabled while on the main traveled portion of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the main traveled portion or impracticable to remove it from the highway until repairs have been made or sufficient help obtained for its removal and shall not apply to wreckers at the scene of accidents or emergency vehicles.

(b) Motor vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any traffic ordinance, regulation or sign or the command of any peace officer.

(c) Vehicles operating as common carriers of passengers for hire and school buses while taking passengers on such vehicle or discharging passengers therefrom, provided that such vehicle shall not stop for such purposes at any point within 150

feet from the brow of a hill or within 150 from a curve or when a view of any vehicle approaching from either direction is obstructed for a distance of 150 feet.

(d) Any vehicle required to stop by reason of an obstruction to its progress.

(2) Whenever any police officer finds a vehicle standing upon such a highway in violation of this section, he may move the vehicle, or require the operator or other person in charge of the vehicle to move it, to a position off the paved or improved or main traveled part of the highway.

(3) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety.

(4) No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) At any place where official signs prohibit stopping; or

(e) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

(5) No person shall move a vehicle not lawfully under his control into any such prohibited area."

By Mr. Lowman.

H. Res. No. 72. A RESOLUTION authorizing Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dewey Rice, individually, the personal representative of Wilma Rice (the deceased wife of Dewey Rice), the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, be, and they are hereby authorized, empowered and permitted by Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky or either, in Carter Circuit Court, for such damages as they may have sustained, if any, by reason of injury to the person of Dewey Rice, Dewey Rice, Jr., and Prichard Rice, and the death of Wilma Rice caused by the unsafe condition of U.S. 60 in Carter County, Kentucky, and the negligence of the highway department, its agents, servants and employees, and in the event of any judgment or judgments should be recovered by the said Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, the same shall be paid out of the general funds by the Auditor of Public Accounts by warrant drawn upon the State Treasurer. In event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence on the part of the Commonwealth for the State Highway Department, and this resolution shall not be introduced as evidence, nor commented upon in argument to the jury.

Any action filed by Dewey Rice shall not exceed the sum of Ten Thousand ($10,000.00) Dollars, and any action filed by the personal representative of Wilma Rice shall not exceed the sum of Twenty-Five Thousand ($25,000.00) Dollars, and any action filed by the statutory guardian or next friend of Dewey Rice, Jr., and Prichard Rice shall not exceed the sum of Twenty-Five Hundred ($2500.00) Dollars.

By Mr. Webster and Mr. J. Raybourne.

H. Res. No. 73. A JOINT RESOLUTION memorializing Congress to enact an amendment to the Agricultural Adjustment Act.

Said resolution is as follows, viz:

WHEREAS, under the Agricultural Adjustment Act of 1938, as amended, 7 U.S.C. 1314(a), the penalty for marketing tobacco in excess of the marketing quota for the farm on which the tobacco is produced is forty percentum of the average market price for such tobacco for the immediately preceding market year; and

WHEREAS, experience in the marketing of tobacco under the provisions of said Act demonstrates that the existing penalty for marketing tobacco in excess of its assigned quota is not a sufficient deterrant to such marketing; and

WHEREAS, the marketing of tobacco in excess of its assigned quota has a seriously damaging effect upon the stability of the tobacco industry and upon the prosperity of all persons engaged in such industry;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be urged to enact appropriate legislation amending the Agricultural Adjustment Act of 1938, as amended, 7 U.S.C. 1314(a) so as to increase the penalty for marketing tobacco in excess of its assigned quota to sixty percentum of the average market price for such tobacco for the immediately preceding market year.

Section 2. That the Secretary of State send copies of this Joint Resolution to the Clerks of the Senate and House of Representatives of the Congress of the United States and to each United States Senator and Representative from Kentucky.

By Mr. Lacy.

H. Res. No. 74. A JOINT RESOLUTION authorizing Mrs.

Emma McCoun and Mrs. Orene Swango Davis to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. That Mrs. Emma McCoun and Mrs. Orene Swango Davis are authorized to sue, either jointly or severally, the Commonwealth of Kentucky and the Department of Highways, or either, in the Wolfe Circuit Court, for damages resulting to each of them from personal injuries and medical expenses caused by alleged negligence of the Commonwealth of Kentucky and the Department of Highways in the construction and maintenance of Kentucky Highway No. 15 in Wolfe County-Kentucky, on or about March 27, 1952.

SECTION 2. Said suit, or suits, shall be for a sum or sums not to exceed Twenty-Five Thousand ($25,000.00) Dollars in each case.

SECTION 3. The Attorney General may investigate the claim or claims herein and settle each claim, or claims, before or after suit is filed, if he deems it advisable. Any amount recovered in said suit, or suits, or by settlement with the Attorney General, shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

SECTION 4. In the event suit or suits are filed and judgment rendered by the Circuit Court, either party, or parties, may appeal to the Court of Appeals of Kentucky.

SECTION 5. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

SECTION 6. No plea of limitations shall be interposed.

By Mr. Majors and Mr. Moorman.

H. Res. No. 75. A JOINT RESOLUTION memorializing the Congress of the United States to make an appropriation for immediate construction of the Rough River Dam in Grayson and Breckenridge Counties of Kentucky.

Said resolution is as follows, viz:

WHEREAS, the plans and preliminary surveys for construction of the Rough River Dam in Grayson and Breckinridge Counties of Kentucky have been completed; and

WHEREAS, the immediate construction of said dam would result in great and lasting benefit to the people of the Commonwealth of Kentucky; and

WHEREAS, the Congress of the United States is now considering its appropriations for the coming fiscal year.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be and it is memorialized to make an appropriation for the immediate start of construction of the Rough River Dam.

Section 2. This resolution shall be spread upon the minutes of the House and a copy thereof forwarded by the Clerk of the House to each member of the Congressional delegation from Kentucky.

By Mr. McCallum.

H. Res. No. 76. A JOINT RESOLUTION directing the Commissioner of Agriculture, Labor and Statistics to study the desirability of establishing a crop insurance program and to report thereon to the 1956 session of the General Assembly, and making an appropriation.

Said resolution is as follows, viz:

WHEREAS, agriculture is the backbone of the economy of the Commonwealth of Kentucky; and

WHEREAS, many farmers suffer great loss each year as the result of destruction of or damage to their crops resulting from Acts of God; and

WHEREAS, the establishment of a program of crop insurance to compensate farmers for destruction of or damage to their crops resulting from Acts of God has been suggested as a means of alleviating the plight of farmers who suffer such loss:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Agriculture, Labor and Statistics is directed to study the desirability of establishing a crop insurance program in the Commonwealth of Kentucky and he shall report his findings to the 1956 session of the General Assembly, and shall include in his report such proposed legislation as his study indicates is desirable. That the sum of twenty thousand dollars be appropriated from the General Expenditure Fund in the State Treasury to cover the cost of making the study.

SENATE MESSAGE

A message was received from the Senate that they had passed a resolution originating in that body as follows, viz:

S. Res. No. 28. A JOINT RESOLUTION changing the name of Levisa Fork of the Big Sandy River to Big Sandy River.

Said resolution is as follows, viz:

WHEREAS, the fork of the Big Sandy River below the city of Louisa in Lawrence County is officially designated as Levisa Fork; and

WHEREAS, said fork is commonly known and referred to as the Big Sandy River; and

WHEREAS, it is to the best interest of the Commonwealth that its rivers be easily and properly identified;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the body of water heretofore identified as the Levisa Fork of the Big Sandy River be, and it is, hereby officially

designated as, and shall henceforth be known as, the Big Sandy River.

Ordered printed and referred.

A message was received from the Senate that they had passed a bill originating in the House as follows, viz:

H. B. No. 203. AN ACT relating to motor vehicle liability insurance.

Ordered that said bill be delivered to the enrolling clerk.

COMMITTEE REPORTS

Mr. Mobley, Chairman of the Committee on Constitutional Amendments, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 104. AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky, relating to the exemption of property from taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended so as to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in

towns and cities and two acres of ground in the country appurtenant thereto; household goods and other personal property of a person with a family, not exceeding two thousand fire hundred dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or committing property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

With Committee Amendment thereto by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit; institutions of purely public charity and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, except that no real property owned by such institution but leased for income and not used solely as a site for or to house any charitable or educational activity of such organization shall be entitled to a tax exemption; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious

society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods and other personal property of a person with a family; all laws exempting or committing property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

With an expression that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Morgan, Chairman of the Committee on Regulation of Intoxicating Liquors, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 112. AN ACT relating to the sale, gift or delivery of alcoholic beverages to persons of less than eighteen years, and to the penalty therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall sell, give or deliver any alcoholic beverage to any person who has not reached his eighteenth birthday.

Section 2. (1) Any person who violates the provisions of Section 1 of this Act shall be imprisoned in the county jail or workhouse for not less than thirty days nor more than twelve months. Such person may also be fined not more than five

hundred dollars. Violations shall be prosecuted under this section and not under KRS 199.990.

(2) Where the defendant is a parent, guardian or other person to some degree responsible for the care of the child, the court may suspend sentence and release the defendant on probation for one year on his recognizance with or without sureties in such sum as the court directs. The recognizance shall require that the defendant make his personal appearance in court whenever ordered to do so, attend the child as directed by the court, and further comply with the orders of the court. If the court is satisfied by information or proof, under oath, that the defendant has violated the terms of the order, it may revoke the order and sentence him under the original conviction. Unless so sentenced, the defendant shall be discharged at the end of the year, and the conviction shall become void.

With Committee Amendment thereto by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any person who sells, gives or delivers any alcoholic beverages to any person who has not reached his eighteenth birthday shall be imprisoned in the county jail or workhouse for not less than ten days nor more than twelve months. Such person may also be fined not more than five hundred dollars. Violations shall be prosecuted under this section and not under KRS 199.990.

(2) Where the defendant is a parent, guardian or other person to some degree responsible for the care of the child, the court may suspend sentence and release the defendant on probation for one year on his recognizance with or without sureties in such sum as the court directs. The recognizance shall require that the defendant make his personal appearance in court whenever ordered to do so, attend the child as directed by the court, and further comply with the orders of the court. If the court is satisfied by information or proof, under oath, that the defendant has violated the terms of the order, it may revoke the order and sentence him under the original conviction. Unless

so sentenced, the defendant shall be discharged at the end of the year, and the conviction shall become void.

With an expression that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Mobley, Chairman of the Committee on Constitutional Amendments, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 145. AN ACT proposing an amendment to Section 42 of the Constitution of Kentucky, relating to the General Assembly.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 42 of the Constitution of Kentucky be amended so as to read as follows:

"The members of the General Assembly shall severally receive from the State Treasury compensation for their services, which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from the sessions of their respective Houses: Provided, the same may be changed by law; but no change shall take effect during the session at which it is made; nor shall a session of the General Assembly continue beyond one hundred and twenty legislative days, exclusive of Sundays and legal holidays. A legislative day shall be construed to mean a calendar day. No bill shall be introduced in either House of the General Assembly after the sixtieth legislative day of a regular biennial session, unless its introduction is approved by a majority of the members of the House in which it is introduced."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Section 256 and 257

of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

With Committee Amendment thereto by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 31 of the Constitution of Kentucky be amended so as to read as follows:

(1) The Senate shall be composed of one Senator from each Senatorial District, elected by the legally qualified voters of the district. Of the nineteen Senators to be elected in the year 1955, those elected from Senatorial Districts numbered 3, 5, 9, 11, 15, 17, 21, 23, 27, 29, 33 and 35 shall hold their offices for four years, and the remaining seven elected from Senatorial Districts numbered 1, 7, 13, 19, 25, 31 and 37 shall hold their offices for six years. Of the nineteen Senators to be elected in the year 1957, those elected from Senatorial Districts numbered 2, 4, 8, 10, 14, 16, 20, 22, 26, 28, 32, 34 and 38 shall hold their offices for six years, and the remaining six elected from Senatorial Districts numbered 6, 12, 18, 24, 30 and 36 shall hold their offices for four years. Every two years thereafter there shall be elected for six years one Senator in each Senatorial District in which the term of his predecessor in office shall then expire.

(2) The House of Representatives shall be composed of one Representative from each Representative District, elected by the legally qualified voters of the District. Representatives shall hold their offices for four years, provided, however, that of the one hundred Representatives to be elected in the year 1955, those elected from the even numbered Representative Districts shall hold their offices for two years, and those elected from the odd numbered Representative Districts shall hold their offices for four years. Every two years thereafter, there shall be elected for four years one Representative in each Representative District in which the term of his predecessor in office shall then expire, so that one-half of them shall be chosen biennially thereafter.

Section 2. It is proposed that Section 42 of the Constitution of Kentucky be amended so as to read as follows:

The members of the General Assembly shall severally receive from the State Treasury compensation for their services, which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from the sessions of their respective Houses: Provided, the same may be changed by law; but no change shall take effect during the session at which it is made. A session of the General Assembly may be adjourned sine die at any time, however, no session shall continue beyond one hundred and twenty legislative days, exclusive of Sundays and legal holidays. A legislative day shall be construed to mean a calendar day. No bill shall be introduced in either House of the General Assembly after the sixtieth legislative day of a regular biennial session, unless its introduction is approved by a majority of the members of the House in which it is introduced.

Section 3. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Section 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

With an expression that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the Second Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 337. AN ACT relating to the working hours of employes of municipally-owned light and water plants in second-class cities.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of

the Second Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 49. AN ACT relating to working hours of policemen in cities of the second class.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wiseman, Chairman of the Committee on Public Health, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 401. AN ACT relating to tuberculosis and making an appropriation therefor.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 407. AN ACT relating to insurance contracts.

H. B. No. 417. AN ACT changing the classification of the City of LaCenter in Ballard County.

H. B. No. 431. AN ACT relating to penalties for violations of game and fish laws.

H. Res. No. 50. A JOINT RESOLUTION PROVIDING for an investigation, study and survey by the Legislative Research Commission regarding the laws of Kentucky with respect to control of diseased livestock and related matters.

H. B. No. 422. AN ACT relating to the grazing of livestock on certain public grounds and providing a penalty therefor.

H. B. No. 317. AN ACT relating to plumbers and plumbing, etc.

H. B. No. 204. AN ACT relating to property taxation.

H. B. No. 381. AN ACT relating to the designation of the tuliptree or yellow poplar as the official state tree of Kentucky.

H. B. No. 34. AN ACT relating to the method of financing improvements to streets in cities of the second to the sixth class.

H. Res. No. 39. A JOINT RESOLUTION authorizing Ora Mae Kincheloe, personal representative of the estate of Grover Cleveland Kincheloe, Sr., deceased, of Warren County, to sue the Department of Education and the Commonwealth of Kentucky, or either.

S. B. No. 118. AN ACT relating to trial commissioners and judge pro tem in police courts in cities of the first class, and amending Section 26.220 of the Kentucky Revised Statutes.

S. B. No. 130. AN ACT relative to the powers of first class cities.

S. B. No. 121. AN ACT relating to the purposes for which proceeds of bonds issued to meet the needs of city universities and colleges may be used.

H. Res. No. 42. A JOINT RESOLUTION authorizing Esker Bert Davis, of Kenton County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

H. Res. No. 40. A JOINT RESOLUTION authorizing Burton McGee, the father and next friend of Stephen Edward McGee, a minor, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

H. Res. No. 29. A JOINT RESOLUTION authorizing the personal representative of the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either.

H. Res. No. 22. A JOINT RESOLUTION authorizing Margaret Ann Minix, Administratrix of the estate of W. T. Stafford, Sr., deceased, to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either.

H. B. No. 428. AN ACT relating to refunding of excise taxes paid on gasoline, used in tractors or stationary engines operated for agricultural purposes.

H. B. No. 427. AN ACT relating to birth certificates, etc.

H. B. No. 425. AN ACT relating to condemnation for underground oil or gas storage fields giving access thereto, etc.

H. B. No. 423. AN ACT relating to children, etc.

H. B. No. 406. AN ACT pertaining to the regulation of mines and minerals, etc.

H. B. No. 405. AN ACT to make uniform the procedure on interstate extradition.

H. B. No. 403. AN ACT relating to the State Fire and Tornado Insurance Fund.

H. B. No. 404. AN ACT relating to Deposits of Insurers.

H. B. No. 402. AN ACT relating to insurance, etc.

H. B. No. 398. AN ACT relating to the Department of Education, etc.

S. B. No. 135. AN ACT relating to the terms of fiscal courts, etc.

S. B. No. 138. AN ACT relating to the Kentucky Historical Society.

S. B. No. 139. AN ACT relating to the Library Extension Division.

S. B. No. 140. AN ACT relating to the state library service and the distribution of public books; etc.

S. B. No. 142. AN ACT relating to the use of recording devices in circuit courts and authorizing their purchase.

H. B. No. 308. AN ACT relating to airport zoning.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Lowman moved that H. B. No. 279 be placed on the Clerk's desk.

Said motion was agreed to.

Said bill was placed on the Clerk's desk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 237. AN ACT relating to the transportation of petroleum and petroleum products in bulk in tank trucks by motor vehicles, and making certain provisions of Chapter 281 of the Kentucky Revised Statutes applicable thereto.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

(1) Any person who engages in the transportation of petroleum products for-hire in bulk in tank trucks to, and from and between any place or point in Kentucky in intrastate commerce shall be a "carrier" or "motor carrier" within the meaning of the provisions of K.R.S. 281.010, and shall be subject to the same common law obligations, responsibilities and liabilities as a common carrier.

(2) There is hereby created a petroleum tank truck carrier permit, which shall be in addition to the certificates or permits presently provided for by K.R.S. 281.

(3) The petroleum tank truck carrier permit provided for herein shall authorize the holder thereof to engage in the transportation of petroleum and petroleum products for hire in bulk in tank trucks, to, from and between all points and places in Kentucky in intrastate commerce.

(4) The department shall, by regulation, designate or define what shall constitute petroleum products so as to authorize the transportation for hire thereof by a person who holds a petroleum tank truck carrier permit.

(5) The term "tank truck", for the purpose of this chapter only, means any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, consisting wholly or in part of a tank constructed or designed or used for the purpose of transporting petroleum products in bulk for compensation upon the highways but does not include any vehicle, locomotive or car operated on a rail or rails.

(6) The term "petroleum tank truck carrier" means any person who undertakes, whether directly or by contract, lease or other arrangements, to transport for compensation over the highways of this state to, from and between all points and places in Kentucky in intrastate commerce petroleum products in bulk by "tank truck" as defined herein.

(7) The term "permit" as employed in Sections 281.615, 281.620, 281.625, 281.645, 281.650, 281.655, 281.670, 281.700 (2), 281.720, 281.760, 281.780, 281.810, and 281.830, shall be construed to include a "petroleum tank trucks carrier permit".

(8) Insofar as they are not in conflict with the provisions of this Act, the terms and provisions of K.R.S. Chapter 281 shall be applicable.

Section 2. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

Any person holding any authority issued by the department authorizing the for-hire transportation in bulk in tank trucks of petroleum or petroleum products may within sixty days after the effective date of this Act apply on such forms as the department may prescribe for a petroleum tank truck carrier permit. The department shall determine whether or not any person applying for a petroleum tank truck carrier permit was as of December 31, 1953, engaged in the bona fide transportation of petroleum and petroleum products in bulk for hire in tank trucks in intrastate commerce in Kentucky. If the department determines the applicant to have been in bona fide operation as an authorized carrier of petroleum or petroleum products as of December 31, 1953, then the department shall, without a hearing, issue to such applicant a petroleum tank truck carrier permit. Bona fide transportation for hire of petroleum or petroleum products in bulk in tank

trucks within the meaning of this Act shall be such transportation as contemplates the relationship of carrier and shipper. Under any other circumstances, the basis for granting or refusing any tank truck carrier permit shall be the same as the basis for granting or refusing a certificate in accordance with the provisions of K.R.S. 281.630 (1).

Section 3. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

The department shall have full power to control the rates and charges of petroleum tank truck carriers and shall have the power to make such rules and regulations as it may deem necessary to carry out the provisions of this section.

(A) Every rate and charge demanded or received by any petroleum tank truck carrier shall be just and reasonable and every such carrier shall furnish adeqaute, efficient, safe and reasonable service.

(B) Under rules and regulations prescribed by the department, every petroleum tank truck carrier shall maintain on file with the department a tariff of rates, charges and classifications and shall keep open for public inspection at designated offices so much of such tariffs as the department deems necessary for public information.

(C) No petroleum tank truck carrier shall make any change in any rate that has been duly established under this chapter, except after thirty days' notice to the department, which notice shall state plainly the changes proposed to be made and the proposed effective date of such change. The carrier shall also give such notice of the proposed change to other interested persons in such manner as the department directs (in its rules and regualtions). All proposed changes shall be shown by filing new tariffs (in the form and manner prescribed by the department). The department may, in accordance with regulations prescribd therefor, upon the showing of good cause, provide for the allowance of a change in rate by holders of petroleum tank truck carrier permits upon less than the thirty day notice prescribed herein.

(D) No petroleum tank truck carrier shall engage in the

transportation of petroleum and petroleum products in bulk in tank trucks unless the rates and charges for such transportation have been filed and published in accordance with the provisions of this Act and the rules and regulations of the department.

(E) No tank truck carrier shall charge, demand, collect or receive a greater, less or different compensation for the transportation of petroleum and petroleum products in bulk or for any service in connection therewith than the rates and charges specified in its tariffs and classifications filed with the department and in effect at the time; nor shall any petroleum tank truck carrier refund or remit any part of the rates or charges so specified or make or give any unreasonable preference or advantage to any person or subject any person to any unreasonable discrimination.

(F) Whenever any tariff stating a new rate is filed with it, the department may, upon its own initiative, and shall upon protest enter upon a hearing concerning the lawfulness of the rate. (At least thirty days before the hearing, the department shall mail written notice of the hearing to the applicant, the protestant and to any other person who, in the opinion of the department, may be interested in or affected by the proposed change in rate). Pending the hearing and decision thereon, the department may suspend the operation of the new rate for a period of not more than six (6) months, by giving reasons therefor. If, after the hearing, the department finds any such rate to be unjust, unreasonable or unjustly discriminatory or in violation of the law, the department shall determine the just and reasonable rate to be charged and shall fix the same by order.

(G) The department has authority to affix or approve the rates, charges, classifications, rules and regulations of each petroleum tank truck carrier and to regulate the service of such carrier so as to insure adequate, efficient, safe, convenient and reasonable service. If the department, after a hearing held upon reasonable notice, upon its own motion or upon complaint finds any existing rate to be excessive, inadequate, unreasonable or unjustly discriminatory or finds the services rendered or facilities employed by any petroleum tank truck carrier to be unsafe, inadequate, inconvenient or in violation of law or of the rules and

regulations of the department, it may determine the just and reasonable rate to be charged therefor or the reasonable, safe, adequate and convenient service to be thereafter furnished and shall fix the same by order. The department need not fix the same rates as are or may be fixed by other authorities or carriers engaged in other methods of transportation.

Mr. Bridgers moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward O. Bridgers	Herbert Fern
Walter J. Bailey	John Young Brown	Thomas P. Fitzpatrick
Clarence J. Barnum	Charles W. Buchanan	Cabell D. Francis
Wallace Bartley	Paul Cobb	W. L. Hadden
Charles E. Baumgardner, Sr.	R. Josh Cosby	C. Ruby Harralson
Owen Billington	Charles W. Craig	David Heskamp
Leo A. Bleemel	W. Marvin Davis	Henry R. Heyburn
J. Murray Blue	John L. Day	Lon C. Hill
J. C. Bradley	James A. Dressman, Jr.	Estill R. Hilton
Edward T. Breathitt, Jr.	Harold Edmonds	William M. Horn
	Addison L. Everett	William L. Jones
		Jennings H. Kearby

Talmage Lacy	Robert K. Montgomery	Joe Rouse
James W. Lambert	Fred Morgan	William A. Routh
George H. Lovelace	Eddie J. Morris	W. R. Smith
Shelby McCallum	Thomas J. Murphy	Will Tom Wathen
Caleb McFadden	Goebel W. Newsom, Jr.	W. W. Webster
William E. Maglinger	Foster Ockerman	Morris Weintraub
Damon Majors	Louis T. Peniston	William B. Wells
William C. Mann	Paul T. Ratcliffe	Warren D. Williams
William J. Marcum	Robert Reid	Mrs. Randolph Wilson
Alton B. Mitchell	Russell Reynolds	T. D. Winstead
Tom Mobley	Lloyd E. Rogers	Charles W. Wirsch
		Paul E. Young

—67

Those who voted in the negative were—

Carl D. Melton	James Treadway	Hicks Wells

—3

Resolved that the title thereof be as aforesaid.

Mr. Bridgers moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

REFERRAL OF BILLS AND RESOLUTIONS

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

House Bill 432—Ky. Statutes No. 1

House Bill 433—Ky. Statutes No. 1

House Bill 434—Ways and Means

House Bill 435—Ways and Means

House Bill 436—Agriculture

House Bill 437—Ways and Means

House Bill 438—Compensation for Industrial Injuries

House Bill 439—Appropriations

House Bill 440—Public Utilities

House Bill 441—Ways and Means

House Bill 442—Public Utilities

House Bill 443—Revenue and Taxation

House Bill 444—Revenue and Taxation

House Bill 445—Ky. Statutes No. 1

House Resolution 59—Kentucky Statutes No. 1

House Resolution 60—Committee on Claims

House Resolution 61—Education

House Resolution 62—Committee On Claims

House Resolution 63—Committee On Claims

House Resolution 68—Committee On Claims

House Resolution 69—Library and Historical Records

House Resolution 70—Ky. Statutes No. 1

House Resolution 71—Committee On Claims

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 16. AN ACT relating to operation of motor vehicles while under the influence of intoxicating liquor or narcotic drugs, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.520 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) No person under the influence of intoxicating liquors or narcotic drugs shall operate a vehicle that is not a motor vehicle upon a highway.

(2) No person shall operate a motor vehicle on a highway while under the influence of intoxicating liquors or narcotic drugs.

(3) No peace officer or Highway Patrolman shall fail to enforce rigidly this section.

(4) In any criminal prosecution for a violation of subsections (1) or (2) of this section, wherein the defendant is charged with having operated a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood, as determined at the time of making a chemical analysis of his blood, urine, breath or other bodily substance, shall give rise to the following presumptions:

(a) If there was 0.05 percent or less by weight of alcohol in such blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(b) If there was more than 0.05 percent, but less than 0.15 percent by weight of alcohol in such blood, such fact shall not constitute a presumption that the defendant either was or was not under the influence of intoxicating liquor, but such fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant;

(c) If there was 0.15 percent or more by weight of alcohol in such blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(5) The provisions of subsection (4) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendant was under the influence of intoxicating liquor.

(6) No person may be compelled to submit to any test specified in subsection (4) of this section, but his refusal to submit to such test shall authorize suspension of his motor vehicle operators license by the Department of Revenue for a period of not less than six months.

Mr. Dressman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	James A. Dressman, Jr.	Ralph E. McClanahan
Walter J. Bailey	Harold Edmonds	Caleb McFadden
Clarence J. Barnum	Thomas P. Fitzpatrick	William C. Mann
Wallace Bartley	Cabell D. Francis	Carl D. Melton
Charles E. Baumgardner, Sr.	W. L. Hadden	Robert K. Montgomery
Owen Billington	Harold G. Helm	Walter R. Moorman
Leo A. Bleemel	David Heskamp	Fred Morgan
J. Murray Blue	Lon C. Hill	Eddie J. Morris
J. C. Bradley	Estill R. Hilton	Louis T. Peniston
Edward T. Breathitt, Jr.	Varna Holt	Paul T. Ratcliffe
John Young Brown	William M. Horn	Jack Raybourne, Jr.
Cassius M. Clay	William L. Jones	Robert Reid
R. Josh Cosby	Jennings H. Kearby	Russell Reynolds
Vernor O. Cottengim	Talmage Lacy	Lloyd E. Rogers
W. Marvin Davis	George H. Lovelace	Joe Rouse
John L. Day	Harry King Lowman	William A. Routh
	Shelby McCallum	W. R. Smith

Mrs. Thelma L. Stovall	Morris Weintraub	T. D. Winstead
E. H. Stumbo	William B. Wells	Charles W. Wirsch
Will Tom Wathen	Warren D. Williams	Walker H. Wiseman
W. W. Webster	Mrs. Randolph Wilson	Paul E. Young

–62

Those who voted in the negative were–

Charles W. Buchanan	Herbert Fern	James Treadway
Addison L. Everett	William J. Marcum	Hicks Wells
	George R. Martin	

–7

Resolved that the title thereof be as aforesaid.

Mr. Dressman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 102. AN ACT relating to the establishment of a merit system for all county employes who are employed by fiscal courts, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 78.400 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 78.400 to 78.460 and 78.990, the following words and terms shall have the following meaning:

(1) "Board" means the county merit board or boards hereinafter created.

(2) "Chief" means the chiefs of the county police forces affected by KRS 78.400 to 78.460 and 78.990.

(3) "Assistant chief" means the next in command to the chiefs of the county police forces affected by KRS 78.400 to 78.460 and 78.990.

(4) "Secretary" means the executive secretary and examiner employed by the county merit board or boards hereinafter created.

(5) "Officer" means any member of the county police forces affected by KRS 78.400 to 78.460 and 78.990 excluding the chiefs and assistant chiefs but including all commissioned or non-commissioner patrolmen, corporals, sergeants, lieutenants and captains.

(6) "Employe" means all other employes of the county police forces affected by KRS 78.400 to 78.460 and 78.990, and all county employes who are employed by fiscal courts and who are affected by KRS 78.400 to 78.460 and 78.990.

Section 2. Section 78.405 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any county of the Commonwealth of Kentucky may, by order of its fiscal court, duly made and entered of record, create a county merit system covering employes who are employed by the fiscal court and members of the county police force, and for that purpose, establish a county merit board, whose duties it shall be to classify and examine applicants seeking employment by the fiscal court or as officers or employes of the police force of the said county, excluding the chief and assistant chief, and in addition to promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action of the persons named herein and covered by KRS 78.400 to 78.460 and 78.990, and in addition thereto, to hold such hearing, public and executive, and impose such penalties upon the personnel affected by KRS 78.400 to 78.460 and 78.990.

(2) Fiscal courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said board.

Section 3. Section 78.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county judge, subject to the approval of the fiscal court of the county, shall appoint four persons, who shall con-

stitute the county merit board of such county, who shall serve without compensation, and the county judge shall be a member ex officio of the said board, but shall only vote in case of a tie vote on any matter before the board for determination. Each board appointee shall be at least thirty years of age, a resident of the county affected, and not related by either blood or marriage to either the county judge or any member of the fiscal court of the said county. The first members of any said board shall be appointed within the thirty day period following the effective date of an order duly made and entered by a fiscal court creating a county merit system and merit board, and one member of the board shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for four years except that appointments to fill vacancies within the respective terms shall be made only for the unexpired period of the respective terms. Any board member may be removed by resolution of the fiscal court of the county for neglect, incapacity, misfeasance or malfeasance on the part of said board members. No appointed board member shall hold any other public office elective or appointive during his term as a member of the board, and shall not receive any money, gift or consideration of any type from any person directly or indirectly for or on account of any recommendation, proposal or suggestion bearing upon the business of the board, the employes who are employed by the fiscal court or the county police force. Not more than two members shall be adherents of the same political party.

(2) Each appointee, before entering upon the discharge of his duties, shall qualify by subscribing, taking and filing an oath of office as required by law.

Section 4. Section 78.425 of the Kentucky Revised Statutes is amended to read as follows:

(1) All police officers of whatever rank and title except the chief and assistant chief of county police, all employes of every county police force affected by KRS 78.400 to 78.460 and 78.990 and all county employes who are employed by the fiscal court are covered by the provisions hereof. All such covered officers and employes on active duty or service as of the effec-

tive date of a duly made and entered order of the fiscal court of the said county creating a county merit system and board, shall be deemed fit and qualified to continue their respective duties of employment without examination or further qualification, except and unless the fiscal court shall within sixty days after the establishment of the board certify to the said board that any county employe whom it has employed is physically unfit to continue his or her duties, and except and unless the chief of police of any county police force shall within sixty days after the establishment of the board certify to the said board that any officer or employe is physically unfit to continue his or her duties.

(2) All personnel covered by the provisions of KRS 78.400 to 78.460 shall be deemed to be permanent employes subject to their ability to satisfactorily perform their respective duties and further subject to their good behavior.

Section 5. Section 78.430 of the Kentucky Revised tSatutes is amended to read as follows:

Within ten days after the creation of any board under KRS 78.400 to 78.460, the fiscal court with respect to county employes whom it has employed, and the chief of the county police force, with respect to officers and employes of the county police force, shall certify to the board the names, rank, rate of pay and the seniority of every officer and employe as of the effective date of the fiscal court order creating the board.

Section 6. Section 78.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every county merit system board created hereunder shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, promotion, demotion, transfer, layoff, reinstatement, suspension, fine and removal of the officers and employes covered by KRS 78.400 to 78.460. The board shall publish its rules and any amendments thereto by supplying a certified copy thereof to the county judge, the fiscal court and the chief of the county police force, and by posting a copy thereof conspicuously in the meeting room of the fiscal court and the office or place where the headquarters of the county police is maintained. Said rules and amendments thereto shall

be published in the manner prescribed within three days after the adoption thereof.

(2) The rules in addition to other matters shall specifically provide for and cover the following:

(a) 1. Physical, mental, educational, citizenship and age requirement for new employes and officers.

2. Physical, mental, educational citizenship and age requirement for new employes and officers and seniority requirements for promotion from lower to higher rank or classification.

(b) 1. Open competitive written, oral and physical tests to determine the relative fitness of all candidates and examinations for original appointment and for promotion.

2. Public notices of examinations provided in (b) 1.

(c) Temporary appointments in case of emergency.

(d) Organization and meetings of the board.

(e) Procedure and conduct of public hearings.

Section 7. Section 78.445 of the Kentucky Revised Statutes is amended to read as follows:

Any county employe employed by the fiscal court may be removed, suspended, laid off, reduced in grade, or fined by the fiscal court for any cause which will promote the efficiency of county affairs, and the chief of the county police force may take the same action for the same reason with respect to officers and employes of the county police force, but before any such action is taken by the fiscal court or the chief of police against any officer or employe, they shall furnish the officer or employe concerned with a written statement of the reasons why the described action is taken. The officer or employe may be reduced, removed, suspended, laid off or fined from the date when such written statement of reasons is served upon him. Each officer or employe removed, suspended, laid off, reduced in grade, or fined, shall be allowed a period of ten days within which he may file written answer to the charges and reasons which caused his suspension, removal, reduction or fine, which shall be made a part of the official records of the fiscal court or the police de-

partment. No trial or examination of witnesses shall be required in any such case except in the discretion of the fiscal court when affecting its employes, or in the discretion of the chief of police when affecting the officers and employes of the county police department. The fiscal court and the chief of police shall likewise furnish a copy of the written charges and reasons for their action to the board.

Section 8. Section 78.455 of the Kentucky Revised Statutes is amended to read as follows:

In all cases provided for in KRS 78.445 and 78.450, the action of the fiscal court, the chief of the county police force and the board shall be final except in the following cases:

Every action in the nature of a dismissal, suspension, reduction or fine made by the fiscal court the chief, or the board, shall be subject to review by the board at the request of any officer or employe affected by KRS 78.400 to 78.460, and in any case where the board, after investigation, is of the opinion that the disciplinary action taken by the fiscal court, the chief or the board itself, was brought about or influenced by reason of political activity or religious belief, any improper or unjustified prejudice, or misinterpretation of evidence or facts, then the board shall give notice and hold a public hearing with respect thereto, and in any case where, after such public hearing, a majority of the members of the board are of the opinion that the action of the fiscal court, the chief or the board itself is unjustified or unsupported by proper evidence, then the order instituting such action may be set aside and revoked by the board and the board may impose such penalty or punishment as it may deem necessary and appropriate. The board may, after investigation, increase any disciplinary action taken by the fiscal court, the chief or the board itself where such additional action is justified in the opinion of a majority of the members of the board.

Mr. Fitzpatrick moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	Thomas P. Fitzpatrick	Tom Mobley
Owen Billington	Cabell D. Francis	Walter R. Moorman
Leo A. Bleemel	W. L. Hadden	Fred Morgan
J. Murray Blue	C. Ruby Harralson	Foster Ockerman
Edward T. Breathitt, Jr.	Henry R. Heyburn	Robert Reid
John Young Brown	Estill R. Hilton	Lloyd E. Rogers
Charles W. Buchanan	William L. Jones	Mrs. Thelma L. Stovall
Cassius M. Clay	James W. Lambert	C. Waitman Taylor
Vernor O. Cottengim	Harry King Lowman	Will Tom Wathen
John L. Day	Shelby McCallum	Morris Weintraub
James A. Dressman, Jr.	William E. Maglinger	Hicks Wells
Harold Edmonds	Damon Majors	William B. Wells
Addison L. Everett	George R. Martin	Warren D. Williams
		Charles W. Wirsch
		—40

Those who voted in the negative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	W. Marvin Davis
John Rhea Banton	J. C. Bradley	Herbert Fern
Clarence J. Barnum	Paul Cobb	Harold G. Helm
Wallace Bartley	R. Josh Cosby	David Heskamp
		Lon C. Hill

Chester J. Holsclaw	Carl D. Melton	W. R. Smith
William M. Horn	Robert K. Montgomery	E. H. Stumbo
Jennings H. Kearby	Eddie J. Morris	James Treadway
Talmage Lacy	Goebel W. Newsom, Jr.	Eulick Walsh
George H. Lovelace	Louis T. Peniston	W. W. Webster
Ralph E. McClanahan	Paul T. Ratcliffe	Mrs. Randolph Wilson
Caleb McFadden	Russell Reynolds	Walker H. Wiseman
William C. Mann	William A. Routh	Paul E. Young
William J. Marcum		—38

Resolved that the title thereof be as aforesaid.

Mr. Fitzpatrick moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 108. AN ACT relating to evidence, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 455.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any criminal or penal prosecution the defendant, on his own request, shall be allowed to testify in his own behalf, but his failure to do so shall not be commented upon or create any presumption against him.

(2) A defendant so requesting to be allowed to testify for himself shall be allowed to testify in chief either before or after any other witness or witnesses have testified for the defense.

Section 2. Subsection (3) of Section 421.210 of the Kentucky Revised Statutes is amended to read as follows:

A party may testify for himself, in chief, in an ordinary

action, or suit in equity or special proceeding, after introducing other testimony for himself in chief.

The Committee on Judiciary and Judicial Council offered the following amendment, and Mr. Weintraub moved its adoption.

Amendment No. 1—On page 1, section 1, line 3, By striking the word "civil" and inserting in lieu thereof the word "penal"

Said motion was agreed to.

Said amendment adopted.

The Committee on Judiciary and Judicial Council offered the following amendment, and Mr. Weintraub moved its adoption.

Amendment No. 2—On page 2, section 2, lines 3 and 4. By striking the words "in an ordinary action, suit in equity" and inserting in lieu thereof the words "in any civil action"

Said motion was agreed to.

Said amendment adopted.

Mr. Weintraub moved the Previous Question.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Fred Morgan
Clarence J. Barnum	Addison L. Everett	Thomas J. Murphy
Charles E. Baumgardner, Sr.	Thomas P. Fitzpatrick	Louis T. Peniston
Owen Billington	W. L. Hadden	Paul T. Ratcliffe
J. Murray Blue	Estill R. Hilton	Lloyd E. Rogers
J. C. Bradley	Varna Holt	Joe Rouse
Edward T. Breathitt, Jr.	Jennings H. Kearby	William A. Routh
Cassius M. Clay	James W. Lambert	Mrs. Thelma L. Stovall
R. Josh Cosby	George H. Lovelace	C. Waitman Taylor
Vernor O. Cottengim	Shelby McCallum	Eulick Walsh
Charles W. Craig	Caleb McFadden	Will Tom Wathen
W. Marvin Davis	Damon Majors	Morris Weintraub
James A. Dressman, Jr.	Carl D. Melton	Hicks Wells
	Tom Mobley	Charles W. Wirsch
	Walter R. Moorman	

—42

Those who voted in the negative were—

Wallace Bartley	Talmage Lacy	Jack Raybourne, Jr.
John Young Brown	Ralph E. McClanahan	Robert Reid
Charles W. Buchanan	William C. Mann	Russell Reynolds
John L. Day	George R. Martin	W. R. Smith
Herbert Fern	Alton B. Mitchell	E. H. Stumbo
Cabell D. Francis	Robert K. Montgomery	James Treadway
C. Ruby Harralson	Eddie J. Morris	W. W. Webster
Harold G. Helm	Goebel W. Newsom, Jr.	William B. Wells
Henry R. Heyburn	Foster Ockerman	Warren D. Williams
Lon C. Hill		Walker H. Wiseman
William M. Horn		Paul E. Young

—31

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Weintraub.

H. B. No. 462. AN ACT relating to supersedeas bonds upon appeal in criminal cases.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 349 of the Criminal Code of Practice of the Commonwealth of Kentucky is amended to read as follows:

The appeal shall not suspend the execution of the judgment unless the defendant cause to be executed before the clerk of the circuit court a covenant, by good surety, to be approved by said court, for the payment, in case the judgment be affirmed, of the fine and costs, and costs of the appeal and all damages thereon, and for the surrender of the defendant in execution of the judgment, if the judgment be for imprisonment, or, on his failure to so surrender himself, for the payment of such sum as the court, in its discretion, shall determine; and cause said covenant to be copied into the transcript; upon which being lodged with the Clerk of the Court of Appeals, he shall issue a certificate that execution of the judgment is suspended.

By Mr. Weintraub.

H. B. No. 463. AN ACT relating to the compensation of certain public officers and employes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.520 of the Kentucky Revised Statutes is amended to read as follows:

In any judicial district composed of only one county, the assistant Commonwealth's attorneys and the stenographers and district detectives for the Commonwealth's attorney, provided for by law, shall receive such compensation, payable out of the county treasury, as is fixed by the fiscal court. In any judicial district composed of more than one county, for which an assistant Commonwealth's attorney, stenographer or district detective for the Commonwealth's attorney is provided for by law, the fiscal courts of the several counties shall, by joint action, exercise the powers conferred by this Section upon the fiscal courts of single-county districts with respect to fixing compensation, and such compensation shall be paid out of the county treasuries of the respective counties in proportion to the amount of work attributable to each county, the proportion being certified by the Commonwealth's attorney.

Section 2. Section 69.105 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the second class, the Commonwealth's attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's attorney. The stenographer shall do stenographic work for the Commonwealth's attorney and perform such other duties assigned to him by the Commonwealth's attorney, and shall have the same power of administering an oath as a notary public. The stenographer may receive an annual salary of not less than fifteen hundred dollars, nor more than eighteen hundred dollars, to be paid by the fiscal court out of the county levy in equal monthly installments, except that in a county which constitutes a separate judicial district an annual salary of twelve hundred dollars to three thousand dollars shall be paid. In judicial districts which contain one or more other counties in addition to the county containing a city of the second class, each county shall pay a proportionate part of the salary of the stenographer, in proportion to the amount of work attributable to each county, the proportion being certified by the Commonwealth's attorney; and provided same is approved by the fiscal courts of such counties.

Mr. Lowman moved that the House adjourn until 1:00 P. M. Tuesday, March 2, 1954.

Said motion was agreed to.

And the House did then adjourn.

TUESDAY, MARCH 2, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.

Louis T. Peniston	Mrs. Thelma L. Stovall	William B. Wells
Edward D. Pollitte	E. H. Stumbo	Warren D. Williams
Paul T. Ratcliffe	C. Waitman Taylor	Mrs. Randolph Wilson
Jack Raybourne, Jr.	James Treadway	Charles W. Wirsch
Robert Reid	Eulick Walsh	Walker H. Wiseman
Lloyd E. Rogers	Will Tom Wathen	Dr. Clyde D. Wooton
Joe Rouse	W. W. Webster	Charles W. Burnley, Speaker
William A. Routh	Morris Weintraub	
Cecil C. Sanders	Hicks Wells	
W. R. Smith		—86

Mr. Lowman moved that the reading of the Journal of the proceedings of Monday, March 1, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Hilton moved that the House recess for fifteen minutes for the purpose of having committee meetings.

Said motion was agreed to.

The fifteen minutes having expired, the Speaker resumed the chair.

Mr. Majors moved that the record show that had he heard his name called while voting on H. B. No. 16, he would have voted aye.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in that body as follows, viz:

S. B. No. 109. AN ACT relating to the salaries of the board of aldermen of cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (5) of section 83.040 of the Kentucky Revised Statutes is amended to read as follows:

(5) Each alderman shall be paid a salary of two hundred dollars per month, but shall not receive any additional compensation for attending special or called meetings.

Section 2. This Act shall take effect on December 1, 1955.

S. B. No. 150. AN ACT relating to corporations and amending Section 271.275 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1: KRS 271.275 is hereby amended and re-enacted to read as follows:

(1) If any dividend be paid in violation of KRS 271.265, or if any other unlawful distribution, payment or return of assets be made to shareholders, the shareholder who receives such dividend, payment, distribution or return of assets shall be primarily liable to the corporation, and, in the event of its dissolution or insolvency, to its creditors, in an amount equal to the amount of the dividend so paid to him and the distribution, payment or return of assets so made to him. Any directors who knowingly, or without making reasonable inquiry, voted in favor of such dividend, distribution, payment or return of assets, shall be jointly and severally liable to the corporation, and, in the event of its dissolution or insolvency, to its creditors, in an amount equal to any portion of such dividend, distribution, payment or return of assets which for any reason cannot be recovered from the shareholder or shareholders. Any director who pays such an amount shall be subrogated to the rights of the corporation or its creditors against any shareholders who have not made restitution to the corporation or its creditors.

(2) A director shall not be liable hereunder if he relied and acted in good faith upon a balance sheet and profit and loss statement of the corporation represented to him to be correct by the president or the officer or employee of the corporation having charge of its books of account, or certified by an independent public or certified public accountant to fairly represent the financial condition of the corporation, nor shall he be so liable if in good faith, in determining the amount avail-

able for any such dividend, distribution, payment or return of assets, he considered the assets to be of their book value.

(3) No action authorized herein shall be brought by the corporation or its creditors against a shareholder or a director unless brought within two years from the date on which such dividend, distribution, payment or return of assets was made; and no action authorized herein by directors against shareholders shall be brought by a director unless brought within two years from the date on which the director made payment or payments to the corporation or its creditors.

S. B. No. 175. AN ACT relating to authorized investment of trust funds, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 386.020 Kentucky Revised Statutes is hereby amended and as amended reads:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the Federal Government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act (39 Stat. 360) as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(f) Obligations representing loans and advances of credit that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(g) Loans, secured by real property or leasehold, that the Federal Housing Administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(h) Real estate mortgage notes, bonds and other interest bearing or dividend-paying securities (including securities of any open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company Act of 1940) which would be regarded by prudent businessmen as a safe investment.

(i) Real estate, after obtaining the approval of the county court for such investment; and

(j) Life insurance, endowment and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the county court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment.

(2) Fiduciaries holding funds for loans or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

(4) All dividends on shares of a corporation forming a part of the principal of an estate or trust which are payable in shares of the same class of the corporation and which are payable at a rate of 10% or more of the corporation's outstanding shares of such class before such dividend, shall be deemed principal of the estate or trust, and all such dividends payable at a rate less than 10% of the corporation's outstanding shares of such class before such dividend, shall be deemed income of the estate or trust. Subject to the provisions of this section, all dividends payable otherwise than in the shares of the same class of the corporation itself, including ordinary and extraordinary dividends and dividends payable in shares or other securities or obligations of corporations other than the declaring corporation, shall be deemed income. Where the trustee shall have the option of receiving a dividend either in cash or in the shares of the declaring corporation, it shall be considered as a

cash dividend and deemed income, irrespective of the choice made by the trustee.

Ordered that said bills be printed and referred.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Lowman.

H. B. No. 464. AN ACT providing for payment of fees out of the State Road Fund, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) County Court Clerks shall be paid out of the State Road Fund the fees provided for in KRS 64.010, for taking acknowledgements, certifying, and recording deeds conveying right-of-way to be used in the State Road System.

(2) County Court Clerks shall be paid by the Fiscal Court the fees provided for in KRS 64.010, for taking acknowledgements, certifying and recording deeds conveying right-of-way to be used in the County Road System.

By Mr. Lowman.

H. B. No. 465. AN ACT relating to the administrative officer of the Court of Appeals, amending KRS 21.220, and repealing KRS 21.155.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 21.220 is amended to read as follows:

The judges of the Court of Appeals may appoint an administrative director who shall hold office during the pleasure of the court and perform the duties required of him by the court. His salary shall be fixed by an order of the Court of Appeals and paid monthly out of the Treasury. While holding his posi-

tion he shall not practice law in any court of this Commonwealth. The administrative director shall perform the services of administrative officer of the court, and as such he shall, under the direction of the Court of Appeals, ascertain the necessity for assignment of special circuit judges, make reports concerning the performance of duties by special circuit judges, certify the compensation and expenses payable to special circuit judges, and generally perform such services as the Court of Appeals may require in the supervision of the state judicial system. The Court of Appeals may make appropriate orders to facilitate the performance of his duties.

Section 2. KRS 21.155 is repealed.

By Mr. Lowman.

H. B. No. 466. AN ACT relating to authorization of the Commissioner of Welfare regarding method of return of parole and probation violators and escaped prisoners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commissioner of Welfare may deputize the head of an agency of another state which is charged by that state with enforcement of penal laws to act as an agent of this state in effecting the return to this state of any person who has violated the conditions of his probation or parole or who has escaped from a penal institution of this state. In all matters relating to the return of such person to this state, such agent shall have the powers afforded a police officer of this state.

Section 2. Any deputization pursuant to this Act shall be in writing. Any person authorized to act as an agent of this state under the terms of this Act shall carry on his person such written evidence of his authorization, and shall display the same upon demand.

By Mr. Newsom.

H. B. No. 467. AN ACT relating to establishment of public street lighting districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Upon a petition signed by at least fifty-one percent of the voters, as determined by the registration books covering such territory, and living within the boundary of a proposed public street lighting district filed in the circuit court clerk's office of the county in which the greater part of such territory is located, not less than twenty days before the commencement of the next regular term of said court, and in courts of continuous sessions not less than twenty days before the first day of the next calendar month, notice of the filing of such petition and the object thereof having been published in two issues of some newspaper of general circulation in the county, and by notices posted for at least ten days before the commencement of the said court, one at the courthouse door, and three others at public places within the bounds of the proposed public street lighting district, the petition setting out the metes and bounds of the proposed public street lighting district, to include only property abutting such street or highway to be illuminated, the number of voters thereof, and such other facts as may be thought proper, on the second day of the term, and in courts of continuous session on the day provided for in such notice, the court shall, if proper notice has been given, and publication made, and no written objection, remonstrance or defense is interposed, enter a judgment establishing a public street lighting district in accordance with the prayer of the petition, naming it, and describing the boundary thereof by metes and bounds. Defense, objection or remonstrance may be made to the petition by any inhabitant of the proposed public street lighting district, or any person owning property therein, and if defense, objection or remonstrance is made, the court shall hear and determine the same, and render a judgment establishing or refusing to establish the public street lighting district as may seem proper. The pleadings and practice as herein provided shall be the same as in civil cases, as nearly as may be practicable and in accordance with Kentucky Rules of Civil Procedure, with right of appeal as therein provided. Such appeal shall be advanced upon the docket.

(2) In no event shall any public street lighting district include within its metes and bounds any territory at that time or thereafter included in any city of this Commonwealth, or any territory which does not abut upon the street or highway sought to be illuminated.

Section 2. (1) The territorial limits of an established public street lighting district as established under this Act may be enlarged or diminished in the following way: The public street lighting district trustees shall file a petition in the circuit court clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, not less than thirty days before the next regular term of said court, and in courts of continuous session not less than thirty days before the first day of a succeeding calendar month, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication and posting in the same manner as provided for in subsection (1) of Section 1 of this Act. On the second day of the term, and in court of continuous session on the day fixed in the notice, the court shall, if the proper notice has been given, and publication made, and no written defense, objection or remonstrance is interposed enter a judgment annexing or striking off the territory described in the petition. Fifty-one percent or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the next regular term of said court, and in courts of continuous session at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance be filed said clerk shall promptly give notice to the trustees of the public street lighting district, and the court shall promptly set the case for a hearing. If, upon such hearing, the court finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the public street lighting district and materially affect adversely the owners and inhabitants of the territory sought to be annexed or stricken off, it shall enter a judgment granting the annexation or striking off of the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two years. The pleadings and

practice herein provided shall be the same as in civil cases, and in accordance with the Kentucky Rules of Civil Procedure, with right of appeal to the Court of Appeals within sixty days. Such appeal shall be advanced upon the docket.

(2) The property in any territory annexed to a public street lighting district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the public street lighting district prior to the date of the annexation of such territory. The property in any territory stricken off from a public street lighting district shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district.

Section 3. (1) Upon the creation of a public street light district as provided in this Act, it shall be the duty of the county judge to call an election in such district, which election shall be held within the district not later than thirty days after final judgment creating the district is entered, and thereafter an election shall be held on the first Saturday in May of each year. At such election all registered voters, as determined by the registration books covering such territory, and no other, shall be eligible to vote. At such elections three public street lighting district trustees shall be elected, who shall be resident taxpayers and voters of the public street lighting district. The first trustees elected shall hold office as follows: The candidate receiving the highest number of votes shall be elected for a term of three years; the candidate receiving the second highest number of votes shall be elected for a term of two years, and the candidate receiving the third highest number of votes shall be elected for a term of one year. In case of a tie, the length of the terms of the candidates shall be determined by lot. On the expiration of the respective terms of offices aforesaid, the successor of the trustee whose term is expired shall be elected for a term of three years. In the event of a vacancy in any term caused by death or otherwise, and there are two remaining trustees, the remaining trustees shall elect a trustee to fill out the unexpired term caused by such vacancy. If there are less than two trustees remaining the county judge shall fill the vacancies. All trustees shall hold

office for the terms of their election and until their successors are elected and qualified.

(2) Such persons as are delegated by the county judge for that purpose shall preside at the election in each public street lighting district. Said election shall be held on the day designated by the county judge at such places in the district selected by the county judge, and shall be by printed ballot, the polls to be open from 6:00 A. M. to 4:00 P. M. The county judge shall make regulation for the tabulation of the ballots, such tabulation to be held immediately upon the close of the polls, at the place designated by the county judge. All expenses incident to said election, including the providing and printing of ballots, shall be paid out of the funds of the district.

(3) Such trustees shall elect from their number a chairman and a secretary and treasurer, the latter of who shall give bond in such amount as shall be determined by the county judge of the county in which the public street lighting district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which may come into his possession as such treasurer. The premiums on such bonds shall be paid out of the funds of the district.

Section 4. Upon the creation of a public street lighting district as provided in this Act, the trustees of such district are hereby authorized to establish and operate a public street lighting district and to levy a tax upon the property in said district, subject to county tax, and not exceeding twenty cents per one hundred dollars of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance, and operation of said public street lighting department or district, or to make contracts for public street lighting for such district as provided in this Act. After the tax has been levied as herein provided, such trustees shall certify the same to the sheriff of the county in which the public street lighting district is located, who shall collect such tax when and as the county taxes are collected by him. Any delinquent public street lighting district taxes shall bear the same interest and penalties as do delinquent county taxes. For the collection of the tax the sheriff shall be entitled to a commission of one percent of the amount collected.

By Mr. Mitchell, Mr. Martin and Mr. Morris.

H. B. No. 468. AN ACT relating to purchase by fiscal courts, of equipment for sheriffs and deputies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The fiscal court of any county may purchase mobile radio communication equipment for the use of the sheriff and deputies of that county if it deems the purchase of such equipment to be to the best interest of the county, considering the county finances and other permissible expenditures.

By Mr. Wells.

H. B. No. 469. AN ACT relating to the qualifications and licensing of dentists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. An applicant for a license to practice dentistry shall be of good moral character, at least twenty-one years of age at the time of making the application and shall have been a resident of the Commonwealth of Kentucky on January 1, 1952. The application shall be accompanied by evidence satisfactory to the board that the applicant is a graduate of, and has a diploma from a reputable university, rated as acceptable by the board. The board shall rate dental colleges, schools or departments of a university, or accept the ratings issued by accredited bodies approved by it. The application shall be made to the board in writing. It shall be accompanied by an examination fee of forty dollars, payable to the secretary-treasurer. Except that any person who has successfully completed at least two years of the required course of study in a dental college, and who has practiced dentistry for a period of more than forty years, upon application to the State Board of Dental Examiners, and the payment to the board of a fee of forty dollars, shall be entitled to a license to practice dentistry in this Commonwealth, and the Board shall issue to such applicant a license on the

standard form used and approved by the Board, signed by its President and Secretary and authenticated by the seal of the Board, which license shall be registered with the County Clerk of each County in which he desires to practice, as is provided for in KRS 313.110.

Section 2. No person shall file, or attempt to file as his own the diploma or license of another, or a forged affidavit of identification or qualification.

3. Section 313.040 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Burnley and Mr. Bridgers.

H. B. No. 470. AN ACT relating to the operation of vehicles upon city streets, and amending Section 92.320 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.320 of the Kentucky Revised Statutes is amended to read as follows:

Any person having a license to operate a vehicle in the city in which he resides or has his principal place of business may also, for the purpose of doing business incidental to his principal business, operate the vehicle upon the streets of any other city without paying any additional license fee to such other city, but such license shall not authorize him to establish his principal place of business or conduct his principal business in any city except the one that granted his license.

By Mrs. Wilson.

H. B. No. 471. AN ACT pertaining to streams from which cities of the third, fourth and fifth class obtain a supply of water.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subject to the provisions of KRS 104.390 to KRS 104.440 no

person shall construct or maintain any dam across any stream from which stream a city of the third, fourth or fifth class derives its chief supply of water for water works owned and operated by it or any public utility unless said dam or obstruction is located such a distance from the city as not to deny the city of the supply of water normally required in supplying the inhabitants of said city with water, nor shall any person, except for ordinary household or livestock uses, divert any water from any stream from which any city of the third, fourth or fifth class derives its chief supply of water for a water works owned and operated by it or any public utility unless application shall first be made to, and approval secured from, the legislative authority of the third, fourth or fifth class city affected, which authority may grant approval for a limited period or periods and upon such terms and conditions as it may deem advisable to protect the water supply of the city.

By Mr. Marcum.

H. B. No. 472. AN ACT relating to weight tax on motor vehicles primarily engaged in the transportation of property for hire, and amending Section 281.810 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) On or before January 1 of each year and as a condition precedent to the use of the highways, every motor carrier operating motor vehicles primarily engaged in the transportation of property for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual excise tax upon each motor vehicle so used based on the declared gross weight of the motor vehicle as set out in KRS 186.030, in addition to the basic registration fee set out in KRS 186.050, as follows:

Gross Weight	Fee
0- 5000	$ 22.00
5001-10000	30.00
10000-14000	48.00

14000-16000	52.00
16000-18000	57.00
18000-20000	62.00
20000-22000	70.00
22000-24000	101.00
24000-28000	132.00
28000-31000	161.00
31000-34000	185.00
34000-37000	208.00
37000-40000	235.00
40000-44000	272.00
44000-52000	300.00

(2) The Department may change the fees set forth in subsection (1) of this section at its discretion.

(3) The tax shall be increased fifty percent on each motor vehicle not equipped wholly with pneumatic tires.

(4) On or before January 1 of each year and as a condition precedent to the use of the highways, every motor carrier engaged in the driveaway business shall pay an annual license fee of two hundred fifty dollars which shall be in lieu of the weight tax set out in subsection (1) of this section.

By Mr. Breathitt.

H. B. No. 473. AN ACT relating to the operation of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (10) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(10) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than one hundred nor more than five hundred dollars, and for each subsequent offense he shall be fined not less than one hundred nor more than five hundred dollars and imprisoned for not more than six months.

(b) Upon first conviction only under subsection (2) of KRS 189.520 the court may issue a temporary driving permit where operation of a vehicle by the person convicted is essential to the pursuit of his livelihood. The permit shall not be valid for any purpose or occasion other than one actually incident to the pursuit of the holder's livelihood. The permit may be revoked at any time by any court upon conviction for violation of any state motor vehicle law, and in no event shall it be valid beyond the period of suspension or revocation provided in KRS 186.560 and 186.570.

(c) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than twenty-five nor more than one hundred dollars.

By Mr. Kearby.

H. B. No. 474. AN ACT relating to revenue and taxation in cities of the fifth and sixth classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.420 of the Kentucky Revised Statutes is hereby amended to read as follows:

Property subject to city taxation shall be assessed for city taxation as of the following dates:

(1) In cities of the second class, July 1.

(2) In cities of the third class, a date fixed by the city legislative body.

(3) In cities of the fourth class, April 1.

(4) In cities of the fifth and sixth classes, a date fixed by the city legislative body.

Section 2. Section 92.520 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Except as provided by subsection (4) of this section, the assessor in each city of the fifth and sixth classes shall, on the assessment date fixed under KRS 92.420 or as

soon thereafter as practicable, begin to assess and value all property subject to city taxation. He shall complete the assessment within thirty days next following, and return it to the city legislative body. The mode of making out the list and the proceedings relating thereto in cities of the fifth and sixth classes shall be in conformity with the laws regulating the duties of the county tax commissioner, except as otherwise provided by statute or by ordinance. The assessor in each city of the fifth or sixth classes shall verify the list by his oath.

(2) The assessor of each city of the fifth or sixth class shall also, during the time allowed for making out the assessment list, make a list of all persons residing within the city and verify it by oath, and shall deposit it with the city clerk on or before the first Monday in December.

(3) The assessor and his deputy in each city of the fifth or sixth class may administer all oaths necessary in the performance of their duties.

(4) Cities of the fifth and sixth classes may adopt, by ordinance or resolution, the assessment procedure provided for in KRS 132.285.

Section 3. Subsection (1) of section 92.530 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board of supervisors of each city of the fifth or sixth classes shall convene on any date during the year in which property is listed by owners for taxation purposes; or on the first Monday in February in the next succeeding year; or at some later date, not later than the first Monday in April. The board shall continue in session from day to day until all of the returns of the assessor have been rectified, except in cities of the sixth class the board shall not remain in session more than three days. The board may hear complaints, and correct, modify or strike out any assessments made by the assessor, and may, of their own motion, raise any assessment upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for that tax for the year, and shall be so certified by the city clerk.

By Mr. Rogers.

H. B. No. 475. AN ACT relating to qualifications of members of police and fire departments.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.710 of the Kentucky Revised Statutes is amended to read as follows:

(1) To be eligible for appointment as a member of the police force or fire department of a city of the fourth class a person must be a citizen of the state, at least twenty-four years of age, able to read and write the English language intelligibly, and sober, moral and sagacious. No person who has been convicted of a felony shall be eligible for appointment. After appointment no member shall interefere in any election.

(2) To be eligible for appointment as a member of the police force in a city of the fifth class a person must be a citizen of the state, at least twenty-one years of age, able to read and write the English language intelligibly, and sober and of good moral character. No person who has been convicted of a felony shall be eligible for appointment.

By Mr. Wathen, Mr. Horn, Mr. Kearby, Mr. Banton, Mr. Cottengim, Mr. Weintraub, Mr. Newsom, Mr. Edmonds, Mr. McCallum, Mr. Ratcliffe, Mr. Majors, Mr. Williams, Mr. Stumbo, Mr. McClanahan, Mr. Morris, Mr. Young, Mr. Bleemel, Mrs. Wilson, Mr. Robert Reid, Mr. Maglinger, Mr. Lowman, Mr. Lovelace, Mr. Holsclaw, Mr. Day, Mr. Rogers, Mr. Routh, Mr. Mobley, Mr. Morgan, Mr. Wiseman, Mr. Ockerman, Mr. Hadden, Mr. Davis, Mr. Breathitt, Mr. J. Raybourne, Mr. Smith, Mr. McFadden, Mr. Anderson, Mr. Everett, Mr. Jones, Mr. Blue, Mr. Peniston, Mr. Fern, Mr. Hilton, Mr. Murphy, Mr. Webster, Mr. Barnum, Mr. Rouse, Mr. Bradley, Mr. Cobb, Mr. Dressman, Mr. Bailey, Mr. Moorman, Mrs. Stovall, Mr. Reynolds, Mr. Lacy, Mr. Martin, Mr. Billington, Mr. Winstead, Mr. Bridgers, Mr. Pollitte, Mr. Wells, Mr. Sanders, Mr. Hill, Mr. Montgomery, Mr. Brown, Mr. Cosby, Mr. Clay, Mr. Harralson, Mr. Buchanan, Mr. Baumgardner, and Mr. Fitzpatrick.

H. Res. No. 77. A JOINT RESOLUTION inviting Earl E. Clements to address a joint session of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Senator Earl C. Clements be, and he hereby is respectfully invited to address a Joint Session of the General Assembly of the Commonwealth of Kentucky.

Section 2. That the President of the Senate and the Speaker of the House shall each appoint three members of their respective bodies to constitute a committee, the chairman of which shall be selected by its members, to extend to Senator Earl C. Clements an invitation to address a Joint Session of the General Assembly, and to fix the date and time for such a Joint Session.

By Mr. Melton.

H. Res. No. 78. A RESOLUTION dedicating the work of the House of the General Assembly of the Commonwealth of Kentucky to the Barret High School Marching Band of Henderson, Kentucky.

Said resolution is as follows, viz:

A RESOLUTION dedicating the work of the House of the General Assembly of the Commonwealth of Kentucky to the Barret High School Marching Band of Henderson, Kentucky, and extolling the virtues of such band.

WHEREAS, the Barret High School Marching Band of Henderson, Kentucky has been selected from the thousands of bands in the nation to lead the Parade of King Rex at the Mardi Gras celebration on today, Shrove Tuesday, in New Orleans, Louisiana, and;

WHEREAS, Roy Twombley, director of this fine band, has been commissioned to make the permanent arrangement of the favorite song of the Mardi Gras—"If I Ever Cease to Love Thee", and;

WHEREAS, The Honorable Stanley Hoffman, a former member of the Senate of the Comomnwealth of Kentucky has

been accorded the honor of completing all travel and accommodation arrangements for the band and for the many interested citizens of Henderson, Kentucky and vicinity who will be in attendance;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the work of this House of Representatives on today, Shrove Tuesday, March 2, 1954, be dedicated to the Barret High School Marching Band of Henderson, Kentucky, and that upon our adjournment it be in honor of that fine and accomplished group of young men and women.

By Mr. Marcum.

H. Res. No. 79. A JOINT RESOLUTION memorializing the Congress of the United States to enact legislation controlling the solicitation of funds by means of radio and television stations.

Said resolution is as follows, viz:

WHEREAS, the practice of soliciting funds by means of appeals made through the media of radio and television is virtually unlimited; and

WHEREAS, the Federal Government has control of these media through the Federal Communications Commission; and

WHEREAS, the organizations making these appeals are not required to account for the funds which they raise and there is danger of waste of the public's money.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be and it is memorialized and urged to enact legislation requiring any organization which makes an appeal for funds by means of radio or television to report the sum raised and the disposition of such funds.

Section 2. That the Clerk of the House forward a copy of this resolution to each member of the Congressional delegation from Kentucky, and that each member of said delegation be urged to aid in the formulation and passage of the legislation urged by this resolution.

By Mr. McFadden.

H. Res. No. 80. A JOINT RESOLUTION authorizing Mrs. James Ernest Nantz to sue the Commonwealth of Kentucky and the State Tuberculosis Hospital Commission, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Mrs. James Ernest Nantz be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the State Tuberculosis Hospital Commission thereof, either or both of them, in such sum as will fairly and reasonably compensate her for the injuries and damages, if any, sustained by her as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the State Tuberculosis Hospital Commission thereof, their agents, officers and employes, in operating and maintaining the equipment at the State Tuberculosis Sanatorium in London, Kentucky.

Section 2. Said suit shall be for a sum not in excess of fifteen thousand dollars.

Section 3. That the action herein authorized and permitted may be brought in the Laurel Circuit Court, same being the Circuit Court having jurisdiction in Laurel County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitation shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Laurel Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same

way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement on this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Pollitte, Mr. J. Raybourne, Mr. McClanahan, Mr. Banton, Mr. Routh, Mr. Newsom, Mr. Hill, Dr. Wooton, Mr. McFadden, Mr. Craig, Mr. Holt, Mr. Heskamp, Mr. Webster, Mr. Smith, Mr. Treadway, Mr. Marcum, Mrs. Wilson and Mr. Wathen.

H. Res. No. 81. A JOINT RESOLUTION requesting the General Assembly of Kentucky to pass and enforce forest fire legislation that will give greater protection.

Said resolution is as follows, viz:

WHEREAS, devastating forest fires take from us much beauty; eliminate great natural flood, erosion and watershed bulwarks of forest trees, shrubs and spongy masses of humus; destroy the food, homes, shelter and the young of thousands of our birds, wild flowers and wild life essential for the maintenance of the biologic balance; and inflict great material damage, involving not only the loss in converted products but eventually affecting also the wage income of about 1,780,000 persons per year;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Harlan Garden Club requests and beseeches our law makers and administrators to pass and enforce forest fire legislation that will give greater protection by providing for the following:

(1) State-wide fire control.

(2) The right of local area closure when conditions there are dangerously dry, independent of, or rather than, state closure.

(3) Dangerous locations should be closed; safe locations left open should provide more hunting as well as better fire hazard control, and necessary travel to and from work through closed areas could be provided for by the issuance of permits from land owners or lessors.

(4) A heavier minimum penalty for violators, whereby our present minimum of $10.00 per offense will be increased to at least $25.00 per offense, and our misdemeanor penalty per offense for violators would become a fine of $25.00 to $100.00 or imprisonment of twenty-five days to six months.

(5) A reward, not greater than $25.00, for the identification and conviction of violators and fire lighters.

(6) Greater funds for the use of the Division of Forestry in paying the cost of fire suppression.

(7) Priority should be given for the placing of trained or accredited foresters, with sufficient and shiftable crews, in heavily wooded areas during August through December fifteenth, and in other months, they could teach and have training camps.

REPORT OF COMMITTEES

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 436. AN ACT relating to regulation of the sale and distribution of commercial feeds.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a joint resolution of the following title, viz:

J. R. No. 70. A JOINT RESOLUTION expressing the appreciation of the people of the Commonwealth of Kentucky to Paul Bryant for his service to the Commonwealth.

Whereupon said joint resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a joint resolution of the following title, viz:

J. R. No. 59. A JOINT RESOLUTION naming Mrs. Ethel Gist Cantrill as State Librarian Emeritus of Kentucky.

Whereupon said joint resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. E. H. Stumbo, Chairman of Committee on Veterans, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 352. AN ACT relating to a Veterans Bonus and providing a sales tax on alcoholic beverages for payment thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definition. As used in this Act, and unless a different meaning appears from the context:

(a) The term "Board" means the Kentucky Disabled Ex-Service Men's Board.

(b) The term "member of the armed forces of the United States" means any person in active military or naval service in the land, air, or naval forces of the United States, including all members of the army of the United States, air forces of the United States, United States Navy, United States marine corps, United States coast guard, and any and all of their respective components, including both male and female members. Service in

the merchant marine shall not be considered for the purposes of this Act.

(c) The term "next of kin" means the widow or widower, who has not remarried, children, persons standing in loco parentis, mother, father (however if the mother, or father has abandoned, deserted or failed to exercise parental care to deceased while a minor, she or he will be removed from the line of succession within this definition), of any member of the armed forces of the United States, in the order named and none other.

(d) The term "continental limits of the United States" is limited to the states of the United States and the District of Columbia.

Section 2. A bonus shall be paid to each member of the armed forces of the United States still in the armed forces, or separated or discharged under honorable conditions, who was on active duty with such armed forces at any time during which period the congress of the United States has declared a state of war to exist, who was on such duty at least ninety days, and who was a resident of this state for at least six months immediately prior to his or her enlistment, induction or call to active duty, such bonus shall be payable out of the War Bonus Fund created by this Act, shall be based solely on service within the above period and, subject to the provisions and limitations of subsection (1) and (2) of this Section, be computed and paid as follows:

For each month of service within the continental limits of the United States the sum of five dollars; for each month of service outside the continental limits of the United States the sum of ten dollars.

(1) The minimum bonus payable hereunder shall be thirty dollars. The bonus for a fraction of a month of service shall be paid on the basis of one-thirtieth of the above monthly amounts for each day of such service. (2) Except as provided in subsection (5) of this Section with reference to disabilities, the maximum bonus payable to any member of the armed forces under this Act shall be five hundred dollars, regardless of the length of service of such member. No payment shall be made

to any member of the armed forces of the United States who, though in service, was a conscientious objector to military service: Provided, however, that a bonus shall be paid as provided for in this Act to any conscientious objector who was disabled as established by the United States Veterans Administration while serving in the armed forces of the United States in a military capacity and who was honorably discharged; and, provided further that the bonus provided for in this Act shall be paid to the next of kin of any conscientious objector who died while on active duty in the armed forces of the United States in a military capacity during the period from Decembr 7, 1941 to and including September 2, 1945, and such death was service connected. No payment shall be made to any person who did only civilian work at civilian pay, or who has received from another state a bonus or adjusted compensation of a like nature as is provided by this Act. No payment of a bonus shall be made under this Act until the board shall order and direct the payment thereof in keeping with the terms of this Act, and, in such order, fix the date upon which payment of such claims shall begin. The recipients of the bonus monies shall be divided into three classes, as follows:

1st class shall include all persons referred to in subsection (4) of this Section.

2nd class shall include all persons referred to in subsection (5) of this Section.

3rd class shall include all other claims allowed under this Act which are not included in the 1st and 2nd classes of this Section.

The Board is hereby authorized to direct the payment of such claims and fix the date upon which payment of such claims shall begin, but no such direction or order shall be made by the Board until it shall find that the monies in the War Bonus Fund are sufficient to pay in full all claims, allowed or to be allowed as herein later provided in the 1st class. After all claims in the 1st class have been satisfied, the board may authorize payment to the 2nd class and fix the date upon which payment of such claims shall begin, but no such direction or order shall be made by the board until it shall find that the monies in the

War Bonus Fund are sufficient to pay in full all claims, allowed or to be allowed as herein later prescribed in the 2nd class. After satisfaction of all claims following within the 1st and 2nd classes and upon finding sufficient monies in the War Bonus Fund to pay in full all claims in the 3rd class, the board is authorized to direct payment of such claims and fix the date upon which payment of such claims shall begin. Until the effective date of any such order of the board so directing the payment of any class and fixing such date, neither any member of the armed forces of the United States nor the next of kin of any member shall have or acquire any right, vested or accrued, to the bonus provided for under this Act nor any such right in or against the Commonwealth of Kentucky, the board, or the funds appropriated to the War Bonus Fund.

(3) A bonus in the amounts specified in preceding subsection of this Section shall be paid to the next of kin of each member of the armed forces of the United States, who, eligible under this Act, and, having been a resident of this state for a period of six months immediately prior to his or her enlistment, induction or call to active duty, died prior to receiving payment of such bonus, regardless of whether an application was filed by such member prior to his or her death, filing for payment of such bonus as provided for in this Act: Provided, that no next of kin, who by his own hand, feloniously causes the death of such member of the armed forces, shall be entitled to receive the bonus provided for in this subsection.

(4) A bonus of five hundred dollars, regardless of the length of service of such member, shall be paid to the next of kin of each member of the armed forces of the United States who, having been a resident of this state for a period of six months immediately prior to his or her enlistment, induction or call to active duty, died while on active duty at any time during the period from December 7, 1941 to and including September 2, 1945, and such death was service connected; provided no such payment is authorized or shall be made to the next of kin of such a member if such death was due to his or her own misconduct.

(5) Any veteran whose disability is determined to be at least ten percent but less than one hundred percent, as estab-

lished by the United States Veterans Administration, shall receive in addition to the other bonus monies for which he is eligible under this Act, the sum of one hundred dollars. Any veteran eligible hereinunder, who is one hundred percent disabled, as established by the United States Veterans Administration shall be entitled to the maximum payment of five hundred dollars, however, if a veteran who is one hundred percent disabled, as established by the United States Veterans Administration, has earned between five hundred dollars and the maximum, irrespective of his disability, he shall also be entitled to the additional one hundred dollars.

Any veteran who is totally disabled, and when such disablement is not a result of service as established by the United States Veterans Administration, shall be included in said 2nd class for priority payment only of any such bonus to which such veteran is entitled to under this Act.

Section 3. There is hereby created in the state treasury a fund to be known as the "War Bonus Fund." Funds appropriated thereto by this Act shall be paid into the War Bonus Fund and shall be paid out upon warrant of the Commissioner of Finance by order of the Board as a bonus to members of the armed forces of the United States or their next of kin who are qualified to receive a bonus under this Act, in accordance with the procedure herein set out. The forms to be provided for the making of the applications shall be in the nature of an affidavit and must be duly sworn to by the applicant and attested to before a notary public or other person authorized to administer oaths. These applications shall be made in triplicate in order that one may be retained by the applicant, one by the board as a part of its permanent records, and one to accompany the order to pay to the state auditor and to be permanently retained by said office. These, and all other forms used in processing of claims and paying of bonuses under this Act shall be prepared by the Kentucky Disabled Ex-Service Men's Board and shall contain all the information necessary for the safeguard of the Commonwealth of Kentucky, and in keeping with the true intent and provisions of this Act, and shall be submitted to and approved by the Division of Accounts and Control and the Auditor of Public Accounts before said forms are printed and placed in use.

After an application is filed with the board as provided herein and after it has been duly checked, audited and processed by said board and the amount to be paid determined in accordance with the provisions of this Act, an order to pay, directed to the state auditor and carrying the name of the person to receive the money, the amount of money to be paid, the date of issue, and such other information as the State Auditor and Division of Accounts and Control shall find to be necessary, shall be duly signed by the chairman of the Kentucky Disabled Ex-Service Men's Board, and shall be delivered to the applicant. The duplicate copy of such order to pay shall be retained in the department and the third copy shall be forwarded to the auditor's office in order that such office will have it to check against when the original orders to pay are ultimately presented.

Section 4. Not later than January 2, 1956 the chairman of the Kentucky Disabled Ex-Service Men's Board shall certify to the Governor of Kentucky, and to the Department of Finance, the total amount of all claims filed, in order that all monies received and allocated into the War Bonus Fund up to that time, under the methods herein later provided, may be determined by said Department of Finance, and the deficiency or surplus in comparison with the amount determined as necessary to pay all bonuses in full reported to the 1956 regular session of the Kentucky General Assembly, who in case of a deficiency may appropriate the necessary amount, and who in case of a surplus, may designate the application of the surplus. No application for a bonus under this Act shall be filed except upon the official forms provided for herein, nor until four months after this Act takes effect, the Governor may extend the date for the beginning of filing claims until January 1, 1956, if in his discretion proper administration requires such extension. All applications for a bonus under this Act shall be made to the Board on or before January 1, 1958, and no payments shall be made except upon applications received by the board on or before that date.

Section 5. The Board shall adopt general rules for determining whether an applicant was a resident of this state at the time he entered the service and, by rule, shall prescribe the persons who may execute applications in cases of disability or

death and the nature of the proof to be submitted to establish all facts required under any applications filed.

The board shall allow or reject, either in whole or in part, all claims filed under this Act. Written notice of any rejection of a claim, either in whole or in part, shall be served on the claimant either personally or by registered mail addressed to the last known address of claimant and deposited in the United States mails. Any claimant whose claim is so rejected may apply for a review of the determination by the board at any time within four months after the service of the notice of rejection and if such application is timely made the determination shall be reviewed by a reviewing officer appointed by the board or by the board itself.

Section 6. All bonus payments under this Act shall be exempt from taxation and from levy and sale or execution. Any pledge, mortgage, sale assignment or transfer heretofore or hereafter made of any right, claim, or interest in any such bonus shall be void.

Section 7. (1) The Kentucky Disabled Ex-Service Men's Board shall assist persons entitled to a bonus hereunder in the preparation of their applications and claims therefor and all agencies of the Commonwealth shall cooperate with the board to effectuate the purposes and comply with the provisions of this Act.

(2) No agent, attorney or other person shall demand, be entitled to or receive any compensation for his service in prosecuting any claim for any bonus under this Act.

Section 8. In case any compensation is payable under this Act to a minor or mental incompetent, the compensation shall be paid to the person who is legally constituted his guardian; Provided, however, if there is no such guardian, payment shall be made to the chief administrative officer of any state or federal hospital or institution in which such minor or incompetent is placed where such officer is authorized to accept monies for the benefit of the minor or incompetent.

Section 9. Whoever makes any false or fraudulent statement of a material fact in any application, certificate or document

made under the provision of this Act or of any regulation made by the board shall be guilty of a felony and upon conviction thereof shall be fined not more than one thousand dollars or imprisoned for any determinate term of not more than two years, or both, at the discretion of the court.

Section 10. Any person who charges or collects or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits to which he is entitled under the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred dollars or imprisoned for a term of not more than six months, or both, at the discretion of the court.

Section 11. The costs of the administration of this Act is hereby appropriated out of the War Bonus Fund, subject to the approval of the Department of Finance.

Section 12. (1) For the purpose of providing revenue with which to carry out the provisions of this Act there is hereby levied on each retail sale of alcoholic beverages a ten percent tax on the sale price.

(2) The tax hereby imposed shall apply and be collected when the sale is made, regardless of the time when the price is paid or delivered.

(3) The tax imposed by this Section shall be paid by the consumer to the vendor in every instance, and it shall be the duty of each vendor to collect from the consumer the full and exact amount of the tax payable in respect to each taxable sale, and to evidence the payment of the tax in each case by cancelling prepaid tax receipts, equal in face value to the amount thereof.

(4) The administration, ascertainment, enforcement and collection of the tax provided for by this Act is hereby assigned to the Department of Revenue and authority is hereby given to adopt such rules and regulations not inconsistent with the provisions of this Act, and to provide for the method of reporting and paying of the tax.

(5) The tax provided by this Act shall expire when the order to the board is made, received, and published, that the War Bonus Fund has been determined adequate.

(6) All funds collected hereunder are hereby appropriated into the War Bonus Fund, after the deduction of the allowable expense of collection.

With Committee Amendments as follows:

Amendment No. 1 on page 2, Section 2, Line 6 so as to read as follows:

"a state of war to exist or in which United States troops were engaged in United Nations action in Korea".

Amendment No. 2 on page 3, Section 2, Lines 36 and 37 to delete therefrom the following words:

"during the period from December 7, 1941, to and including September 2, 1945,"

Amendment No. 3 on page 5, subsection (4) of Section 2, lines 96 and 97 to delete therefrom the following:

"during the period from December 7, 1941 to and including September 2, 1945,"

With the expression that same should pass as amended.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture to which same had been previously referred, reported favorably a joint resolution of the following title, viz:

J. R. No. 53. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission of milk prices in Kentucky.

Whereupon said joint resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Walker Wiseman, Chairman of the Committee on Public Health to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 206. AN ACT relating to state tuberculosis hospitals and the State Tuberculosis Hospital Commission.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Walker Wiseman, Chairman of the Committee on Public Health to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 221. AN ACT relating to local public health.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. E. R. Hilton, Chairman of the Committee on Labor to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 389. AN ACT relating to labor, providing penalties, and repealing, amending and re-enacting KRS 336.130, 336.140 and 336.150.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. E. R. Hilton, Chairman of the Committee on Labor to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 421. AN ACT relating to wages and hours.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Walker Wiseman, Chairman of the Committee on Public Health to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 150. AN ACT relating to compensation of physicians employed by county, city-county and district health departments.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. James A. Dressman, Jr., Chairman of the Committee Criminal Law to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 323. AN ACT relating to the disposition of persons convicted of crime in police courts in cities of the first and fourth classes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fred H. Morgan, Chairman of the Committee on Alcoholic Beverages to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 109. AN ACT relating to city licenses for the privilege of manufacturing and trafficking in alcoholic beverages, and amending Section 243.070 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 116. AN ACT relating to the State Fair Board, amending Section 247.170 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Ken-

tucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 147. AN ACT relating to abandoned refrigerators, iceboxes, and ice chests.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 76. AN ACT relating to absent voting, and amending Sections 126.140, 126.150, 126.160 and 126.210 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 445. AN ACT relating to the preservation of bank records.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 383. AN ACT relating to the practice of chiropody.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 306. AN ACT relating to defenses in actions for false arrest or imprisonment.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 304. AN ACT to make uniform the law on fresh pursuit, and authorizing this state to cooperate with other states.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 302. AN ACT relating to venue for prosecution of officers of certain state agencies.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. W. T. Wathen, Chairman of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 301. AN ACT relating to criminal identification and statistics and creating a bureau of criminal identification and statistics within the Department of Kentucky State Police: amending Section 16.010 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Owen Billington of the Committee on Insurance to which same had been previously referred, reported bills of the following title, viz:

H. B. No. 331. AN ACT relating to registration of motor vehicles.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 104. AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky, relating to the exemption of property from taxation.

H. B. No. 112. AN ACT relating to the sale, gift or delivery of alcoholic beverages to persons of less than eighteen years, and to the penalty therefor.

H. B. No. 145. AN ACT proposing an amendment to Section 42 of the Constitution of Kentucky, relating to the General Assembly.

H. B. No. 337. AN ACT relating to the working hours of employes of municipally owned light and water plants in second-class cities.

H. B. No. 49. AN ACT relating to working hours of policemen in cities of the second class.

H. B. No. 401. AN ACT relating to tuberculosis and making an appropriation therefor.

Mr. Morgan moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 54. AN ACT relating to the Department of

Mental Health and authorizing it to produce printing of any class for the use of the hospitals and the department.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any hospital operated by the Department of Mental Health, having established printing facilities, may produce printing of any class for the use of the hospital and the department, but not for any other purpose.

Section 2. This Act shall take effect on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	John Young Brown
Walter J. Bailey	J. Murray Blue	Charles W. Buchanan
John Rhea Banton	J. C. Bradley	Cassius M. Clay
Clarence J. Barnum	Edward T. Breathitt, Jr.	Paul Cobb
Owen Billington	Edward O. Bridgers	R. Josh Cosby

Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Warren D. Williams
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 55. AN ACT relating to the Department of Mental Health and establishing the confidential nature of certain records and reports.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All applications and requests for admission

and release, and all certifications, records and reports of the Department of Mental Health which directly or indirectly identify a patient or former patient or a person whose hospitalization has been sought, shall be kept confidential and shall not be disclosed by any person, except insofar as:

(1) The person identified or his guardian, if any, shall consent; or

(2) Disclosure may be necessary to carry out the provisions of the Kentucky Revised Statutes, and the rules and regulations of departments and agencies of the Commonwealth of Kentucky; or

(3) Disclosure may be necessary to comply with the official inquiries of the departments and agencies of the United States government; or

(4) A court may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and failure to make such disclosure would be contrary to the public interest. Nothing in this section shall preclude the disclosure, upon proper inquiry of the family or friends of a patient, of information as to the medical condition of the patient.

Section 2. This Act shall take effect on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?'

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Walter R. Moorman
Walter J. Bailey	W. L. Hadden	Fred Morgan
John Rhea Banton	C. Ruby Harralson	Eddie J. Morris
Clarence J. Barnum	Harold G. Helm	Goebel W. Newsom, Jr.
Owen Billington	David Heskamp	Louis T. Peniston
Leo A. Bleemel	Henry R. Heyburn	Edward D. Pollitte
J. Murray Blue	Lon C. Hill	Paul T. Ratcliffe
J. C. Bradley	Estill R. Hilton	Jack Raybourne, Jr.
Edward T. Breathitt, Jr.	Chester J. Holsclaw	Robert Reid
Edward O. Bridgers	Varna Holt	Lloyd E. Rogers
John Young Brown	William M. Horn	Joe Rouse
Charles W. Buchanan	William L. Jones	William A. Routh
Cassius M. Clay	Jennings H. Kearby	W. R. Smith
Paul Cobb	Talmage Lacy	Mrs. Thelma L. Stovall
R. Josh Cosby	James W. Lambert	C. Waitman Taylor
Vernor O. Cottengim	George H. Lovelace	Eulick Walsh
Charles W. Craig	Harry King Lowman	Will Tom Wathen
W. Marvin Davis	Shelby McCallum	W. W. Webster
John L. Day	Caleb McFadden	Hicks Wells
James A. Dressman, Jr.	Damon Majors	Warren D. Williams
Harold Edmonds	William C. Mann	Charles W. Wirsch
Herbert Fern	William J. Marcum	Walker H. Wiseman
Thomas P. Fitzpatrick	George R. Martin	Dr. Clyde D. Wooton
	Carl D. Melton	Paul E. Young
	Alton B. Mitchell	
	Robert K. Montgomery	

—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 56. AN ACT relating to the Department of Mental Health and authorizing the designation of private homes and private nursing homes for placement and family care of certain state mental hospital patients.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The Commissioner of Mental Health is authorized to designate such private homes and private nursing homes as he shall deem, after a thorough investigation of the personal and financial qualifications of the owners and tenants, the facilities and management, and the desirability of the location of such homes, to be suitable for the placement of patients outside of the state mental hospitals. The Commissioner of Mental Health is authorized to prescribe, from time to time by regulation, standards for the selection and operation of private homes and private nursing homes designated for the placement of patients. No home of an officer or employe of the Department of Mental Health or of a member of his immediate family shall be designated for the placement of patients.

(2) Whenever the superintendent of a state mental hospital has determined that a patient who is not being held on an order rising out of a criminal offense has sufficiently improved and is not dangerous to himself or other persons, and that it would be in the patient's best interests to be placed outside of the hospital in a private home or private nursing home, the superintendent shall so certify to the Commissioner of Mental Health, who may then authorize the patient to be transferred to a designated private home or private nursing home for care and custody for such length of time as the commissioner deems advisable.

(3) The person charged with the care and custody of a patient placed in his home under the provisions of this section shall be entitled to reimbursement by the Department of Mental Health for the board of such patient in an amount

equal to the rate established by the department for the board of patients under the provisions of KRS 203.090; provided, that no person shall be reimbursed by the department for a patient's board if such person is liable for his board or willing to assume the cost thereof as provided in KRS 203.080.

(4) The provisions of KRS 203.070, KRS 203.080, KRS 203.090, and KRS 203.100 shall apply to patients transferred to designated private homes and private nursing homes as though such patients were residing in a state mental hospital.

Section 2. This Act shall take effect on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	J. C. Bradley	Paul Cobb
Walter J. Bailey	Edward T. Breathitt, Jr.	R. Josh Cosby
John Rhea Banton	Edward O. Bridgers	Vernor O. Cottengim
Clarence J. Barnum	John Young Brown	Charles W. Craig
Owen Billington	Charles W. Buchanan	W. Marvin Davis
Leo A. Bleemel	Cassius M. Clay	John L. Day
J. Murray Blue		James A. Dressman, Jr.

Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Warren D. Williams
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 57. AN ACT relating to the Department of Mental Health, its organization, functions, powers and duties.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 210.050 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Mental Health shall be divided for administrative purposes into:

(1) A Division of Professional Services, which shall supervise the administration of the clinical work in the state hospitals, conduct research on the incidence, causes and treatment of mental disorders, conduct training programs for clinical personnel and maintain a system of clinical records and statistics;

(2) A Division of Business Administration, which shall be responsible for administration of the functions of the department in relation to budgets, expenditures, purchasing, maintenance, building projects, reimbursements, financial records and food service;

(3) A Division of Community Services, which shall administer psychiatric clinic service within the state, train professional personnel for staffing state and local health programs, and develop a program for public mental health education;

(4) Such other divisions as the Commissioner of Mental Health upon written authorization of the Governor, may establish for administrative supervision of other functions of the department.

Section 2. Section 210.190 of the Kentucky Revised Statutes is amended to read as follows:

"The Commissioner of Mental Health may utilize the services of the workers of the Department of Health, and the social workers of the Department of Welfare and the Department of Economic Security, when authorized by the commissioners of these departments. The Commissioner of Mental Health may authorize payment of the actual traveling expenses of the workers so utilized."

Section 3. This Act shall take effect on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Warren D. Williams
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 58. AN ACT relating to the hospitalization of mentally ill persons.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. (1) Any person may be admitted to a state mental hospital upon the written application of a relative, spouse, friend or guardian, or by the superintendent of a hospital in which the person may be, and upon the certification of two examining physicians that they have examined the person and are of the opinion that he is mentally ill; that because of his illness he is likely to injure himself or others if allowed to remain at liberty, or is in need of care and treatment in a mental hospital; and because of his illness lacks sufficient insight or capacity to make responsible application therefor. No person shall be admitted to a state mental hospital on the basis of such certification at any time after the expiration of fifteen days from the date of the examination.

(2) If the certification of the examining physicians states a belief that the person is likely to injure himself or others if allowed to remain at liberty and should immediately be restrained, and the certification is so endorsed by a health or police officer, a warrant may be issued for the arrest of such person and he may be taken into custody and transported to any municipal, county or state hospital as provided in KRS 203.030.

(3) Whenever a patient has been admitted to a hospital pursuant to the provision of this section on the application of

any person other than the patient's guardian, spouse, or relative, the superintendent shall immediately notify the patient's guardian, spouse or relative, if known.

(4) Any patient hospitalized under the provisions of this section who requests to be released or whose release is requested in writing by his parent, spouse, relative or guardian shall be released within five days from the receipt of such request. The superintendent shall provide reasonable means and arrangements for informing patients hospitalized under the provisions of this section of their right to release and for assisting them in making and presenting requests for release.

(5) If the superintendent believes that the patient is dangerous to himself or other persons, or would be benefited by further care and treatment in a hospital, he may within five days after the receipt of the request for release file a petition in proper court for an inquest concerning the sanity of the patient as provided in KRS Chapter 202. The court, instead of appointing examiners as provided in KRS 202.100 and 202.110 may admit as evidence the affidavit of the superintendent and a staff physician. After such petition is filed, the superintendent may continue to hold the patient even beyond the expiration of the five-day period referred to in this section until officially notified by the court that an inquest has been held and the person has been found to be of sound mind. No fee shall be charged for the affidavit of the superintendent and a staff physician, it being considered a part of the regular state service.

(6) Subject to the rules and regulations of the hospital, every patient admitted under the provisions of this section shall be entitled to communicate with any person or governmental agency, receive visitors, and exercise all the civil rights to which he was entitled prior to his hospitalization.

(7) Any person who wilfully causes, or conspires with or assists another to cause the unwarranted hospitalization of any person under the provisions of this section shall be fined not less than one hundred dollars or more than five hundred dollars, or imprisoned for not less than three nor more than twelve months, or both.

Section 2. This Act shall take effect on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery

Walter R. Moorman	Robert Reid	Will Tom Wathen
Fred Morgan	Lloyd E. Rogers	W. W. Webster
Eddie J. Morris	Joe Rouse	Hicks Wells
Goebel W. Newsom, Jr.	William A. Routh	Warren D. Williams
	W. R. Smith	Charles W. Wirsch
Louis T. Peniston	Mrs. Thelma L. Stovall	Walker H. Wiseman
Edward D. Pollitte		Dr. Clyde D. Wooton
Paul T. Ratcliffe	C. Waitman Taylor	Paul E. Young
Jack Raybourne, Jr.	Eulick Walsh	—72

There voted in the negative—

William C. Mann —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 59. AN ACT relating to the custody, support and treatment of incompetents.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

Wherever used in KRS chapter 203:

(1) The terms "lunatic," "insane," or "insane person," and "epileptic," shall be deemed to refer to "mentally ill person;"

(2) The terms "idiot," "feeble-minded person" and "feeble-minded epileptic" shall be deemed to refer to "mentally defective person;"

(3) The terms "asylum" and "asylum for the insane" shall be deemed to refer to "state mental hospital;"

(4) The term "pauper idiot" shall be deemed to refer to "pauper mental defective."

Section 2. Section 203.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Mentally ill person," "mentally defective person," "pauper mental defective," "patient," "physician," "hospital," "state mental hospital," and "superintendent" have the same meaning as defined in KRS 202.010;

(2) "Health Officer" means any person charged with enforcing the health laws of the state or any political subdivision thereof;

(3) "Department" means the Department of Mental Health, and any reference to the "Department of Welfare," the "Division of Hospitals and Mental Hygiene," the "Commissioner of Welfare," or the "Director of the Division of Hospitals and Mental Hygiene," shall be deemed to refer, respectively, to the Department of Mental Health and the Commissioner of Mental Health, except that where any of the quoted names or designations are used with reference to a state institution for mental defectives, they shall be deemed to refer to the Department of Welfare and the Commissioner of Welfare.

Section 3. Section 203.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent of a state mental hospital may admit for diagnosis, care and treatment any person who is mentally ill or has symptoms of mental illness, and who, being twenty-one years of age or over, applies therefor, and any person under twenty-one years of age who is mentally ill or has symptoms of mental illness, if his parent or guardian applies therefor in his behalf. The application shall be signed by the applicant in the presence of two witnesses.

(2) The superintendent of a state mental hospital may discharge any voluntary patient who has recovered or whose hospitalization he determines to be no longer advisable. He may also discharge any voluntary patient if to do so would, in the

judgment of the superintendent, contribute to the most effective use of the hospital in the care and treatment of the mentally ill.

(3) A voluntary patient who requests his release or whose release is requested, in writing, by his guardian, parent, spouse, or adult relative shall be released within five days from the receipt of such request, except as hereinafter provided in this section. If the patient was admitted on his own application and the request for release is made by a person other than the patient, release shall be conditioned upon the agreement of the patient thereto. If the patient, by reason of his age, was admitted on application of his parent or guardian, his release, prior to attaining the age of twenty-one years, shall be conditioned upon the consent of such parent or guardian.

(4) If the superintendent believes that the patient is dangerous to himself or to others or would be benefited by further care and treatment in a hospital, he may, within five days after the receipt of the request for release, file a petition in the proper court for an inquest concerning the sanity of the patient as provided in KRS Chapter 202. The court, instead of appointing examiners as provided in KRS 202.100 and 202.110, may admit as evidence the affidavits of the superintendent and a staff physician. After such petition is filed, the superintendent may continue to hold the patient beyond the expiration of the five-day period referred to in this section until notified by the court that the inquest has been held and the person has been found to be of sound mind.

Section 4. Section 203.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent of a state mental hospital shall, when requested in writing by a health officer receive and care for any person who needs immediate care and treatment because of mental illness. Such person shall be received for a period not exceeding fifteen days from the date of the request. The request for admission shall be based on a personal examination made within three days of the date of the request, and shall be filed with the hospital at the time of the patient's reception. If the request of the health officer alleges that the person to be admitted is likely, because of his illness, to injure himself or others if not im-

mediately restrained, a warrant may be issued for his arrest and he may be taken into custody and immediately transported to any municipal, county or state hospital where he shall be confined until he can be removed to the state mental hospital designated in the health officer's request. In counties where hospital facilities are not available, said person may be confined in the county jail for a period not to exceed forty-eight hours.

(2) If the superintendent of the hospital finds that the patient admitted is not in need of hospital treatment, or would not be benefited thereby, the health officer shall, upon the written request of the superintendent, remove the patient within the fifteen-day period prescribed by this section. Failure of the health officer to remove the patient within fifteen days shall render the health officer and the county from which the patient was sent jointly liable for the patient's board for such time as he may be left in the hospital beyond the time limit prescribed in this section. The amount of such board shall be the same rate established by the department under KRS 203.090.

(3) If the superintendent and a staff physician find that the patient is in need of hospital treatment and would be benefited thereby, they, or either of them, shall file a petition in the proper court for an inquest as provided in KRS Chapter 202, and the court, instead of appointing physicians to make an examination as provided in KRS 202.100 and 202.110 may admit as evidence the affidavits of the superintendent and a staff physician that the patient is mentally ill. If such a petition is filed, the superintendent may continue to hold the patient, beyond the expiration of the fifteen-day period, until notified by the court that an inquest has been held and the defendant has been found to be of sound mind.

Section 5. Section 203.070 of the Kentucky Revised Statutes is amended to read as follows:

Every patient admitted to a state mental hospital or institution, excepting paupers and prisoners transferred from state penal or correctional institutions, shall be charged for his support at the rate fixed by the department under the provisions of KRS 203.090. Such charges shall be paid in advance. If the patient is discharged or dies before the expiration of the period of time

for which his support has been paid, a proper proportion of the amount paid shall be refunded.

Section 6. Section 203.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner may transfer patients from one state mental hospital to another as the care and treatment of the patients and the exigencies of the service may require.

(2) Whenever a patient, not a convict, who has been committed by an order of the court, is transferred from one state mental hospital to another, the order of commitment shall be held to apply to the hospital to which the patient is transferred as though that hospital had been the one to which the order of commitment was originally made.

Section 7. Section 203.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent of each state mental hospital shall cause the following records to be kept:

(a) A case history of each patient received by the hospital showing his name, age, residences, dates of admission, discharge or death, condition at time of admission, complete record of medical treatment and any other information prescribed by the commissioner;

(b) An accident record in which shall be recorded a statement of all accidents involving any patient, the causes thereof, and the names of any witnesses thereto;

(c) A restraint record in which shall be recorded the name of each patient restrained, the character of the restraint, when, how long, and by whose authority employed, and the reason therefor.

(2) The records prescribed by this section shall be kept on forms prescribed by the commissioner and shall be open to the inspection of the department at all times.

Section 8. Sections 203.050, 203.060, 203.130, 203.140, 203.150, 203.170, 203.200, 203.310, 203.320, 203.330 of the Kentucky Revised Statutes are hereby repealed.

Section 9. This Act shall take effect on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	R. Josh Cosby	Lon C. Hill
Walter J. Bailey	Vernor O. Cottengim	Estill R. Hilton
John Rhea Banton	Charles W. Craig	Chester J. Holsclaw
Clarence J. Barnum	W. Marvin Davis	Varna Holt
Owen Billington	John L. Day	William M. Horn
Leo A. Bleemel	James A. Dressman, Jr.	William L. Jones
J. Murray Blue	Harold Edmonds	Jennings H. Kearby
J. C. Bradley	Herbert Fern	Talmage Lacy
Edward T. Breathitt, Jr.	Thomas P. Fitzpatrick	James W. Lambert
Edward O. Bridgers	Cabell D. Francis	George H. Lovelace
John Young Brown	W. L. Hadden	Harry King Lowman
Charles W. Buchanan	C. Ruby Harralson	Shelby McCallum
Cassius M. Clay	Harold G. Helm	Caleb McFadden
Paul Cobb	David Heskamp	Damon Majors
	Henry R. Heyburn	William C. Mann
		William J. Marcum
		George R. Martin

Carl D. Melton	Edward D. Pollitte	C. Waitman Taylor
Alton B. Mitchell	Paul T. Ratcliffe	Eulick Walsh
Robert K. Montgomery	Jack Raybourne, Jr.	Will Tom Wathen
	Robert Reid	W. W. Webster
Walter R. Moorman	Lloyd E. Rogers	Hicks Wells
Fred Morgan	Joe Rouse	Warren D. Williams
Eddie J. Morris	William A. Routh	Charles W. Wirsch
Goebel W. Newsom, Jr.	W. R. Smith	Walker H. Wiseman
	Mrs. Thelma L. Stovall	Dr. Clyde D. Wooton
Louis T. Peniston		Paul E. Young

—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 60. AN ACT relating to the inquest, commitment and discharge of incompetents.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 202.005 of the Kentucky Revised Statutes is amended to read as follows:

Wherever used in this chapter,

(1) The terms "department," "Department of Welfare," "Division of Hospitals and Mental Hygiene," "Commissioner of Welfare," and "Director of the Division of Hospitals and Mental Hygiene," shall be deemed to refer, respectively, to the Department of Mental Health and the Commissioner of Mental Health, except that where any of the quoted terms are used with reference to a state institution for the mentally defective, they shall be deemed to refer to the Department of Welfare and the Commissioner of Welfare;

(2) The terms "lunatic," "insane" or "insane person," and "epileptic," shall be deemed to refer to "mentally ill person;"

(3) The terms "idiot," "feeble-minded person" and "feeble-minded and epileptic," shall be deemed to refer to "mentally defective person;"

(4) The terms "asylum" and "asylum for the insane" shall be deemed to refer to a "state mental hospital;"

(5) The term "pauper idiot" shall be deemed to refer to "pauper mental defective."

Section 2. Section 202.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Mentally ill person" means a person having a psychiatric or other disease which substantially impairs his mental health;

(2) "Mentally defective person" means a person with a defect in mental development at birth, or at an early age, and which is of such a degree that he is incapable of caring for himself or managing his affairs and requires supervision, care, training, control or custody for his own welfare or for the welfare of others.

(3) "Pauper mental defective" means a person who has been found by a jury: to be mentally defective; to be unable to work for his support; to have no estate sufficient to support him; or to have no parent or spouse with an estate sufficient to support him;

(4) "Defendant" means a person alleged in an inquest to be mentally ill or mentally defective;

(5) "Patient" means a person under observation, care or treatment in a hospital pursuant to the provisions of this chapter or KRS Chapter 203;

(6) "Physician" means a person licensed under the laws of Kentucky to practice medicine or a medical officer of the Government of the United States while in this state on the performance of his official duties;

(7) "Hospital" means a public or private hospital or institution, or part thereof, equipped to provide in-patient care and treatment for mentally ill or mentally defective persons;

(8) "State Mental Hospital" means a mental hospital or institution, or part thereof, which receives fifty percent or more of its support from state funds;

(9) "Superintendent" means the person in charge of a hospital or institution or his designee.

Section 3. Section 202.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any reputable resident of the county having knowledge of a person in the county not serving a sentence in the penitentiary or reformatory, who appears to be either mentally ill or mentally defective may file a petition with the circuit clerk for the trial and commitment of such person setting forth facts verified by affidavit. The affidavit may be upon information and belief.

(2) No mentally ill person or mentally defective person shall be committed to a state mental hospital or an institution for mental defectives unless he has been adjudged to be of unsound mind.

Section 4. Section 202.040 of the Kentucky Revised Statutes is amended to read as follows:

The petition shall set forth:

(1) The name and residence of the person concerning whom the petition is filed;

(2) The name and residence of the parents, if living, and if known to the petitioner, or of his legal guardian, if any, and if known to the petitioner;

(3) The name and residence of the husband or wife, if any, and if known to the petitioner;

(4) The name and residence of the person having custody of such person, or if no such person is known;

(5) The name and residence of some near relative, or that such person is unknown;

(6) Such other information as may be prescribed by the Commissioner of Mental Health.

Section 5. Section 202.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The defendant, if of legal age, shall be notified of the proceedings by a summons issued requiring the person having custody or residing with the defendant to appear with the defendant at a time and place stated in the summons, not less than three days after service. All other persons named in the petition shall also be notified of the proceedings. If a person summoned as provided in this section fails without reasonable cause to appear and abide the order of the court, he may be proceeded against for contempt of court.

(2) If the petition alleges that the defendant is of violent character and is dangerous, a warrant may be issued for his arrest. Such warrant may be issued by the circuit judge or county judge having jurisdiction of the proceedings as prescribed by KRS 202.020. If any such person is arrested on such warrant, he shall be taken immediately to any municipal, county or state hospital or mental institution and shall be examined by one or more staff physicians or psychiatrists attached to such hospital or institution. If the person is deemed of violent character and confinement is recommended by the examining physician, such person shall be confined in the appropriate county, municipal or state hospital or mental institution to await further legal action as prescribed in this chapter. In counties where hospital facilities are not available, said person may be confined in the county jail for a period not to exceed forty-eight hours.

Section 6. Section 202.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following oath shall be administered to the jury: "You do swear that you will well and truly inquire and from the evidence say in your verdict whether the person whom you have in charge is of unsound mind and, if of unsound mind, whether he is mentally ill or mentally defective; whether because of his illness he is likely to injure himself or others if allowed to remain at liberty, and whether he is in need of care and treatment; that you will also determine his place of birth and residence, and

whether he has been brought into this state by any person, and by whom, for the purpose of becoming a charge of the Commonwealth. You will find what estate, and the value thereof, he owns in possession, reversion or remainder; whether his parents are alive, where they reside, and whether they have estate sufficient to support him, and if married, where his or her spouse resides, and whether such spouse has an estate sufficient to support him."

(2) The judge shall instruct the jury upon the whole case so as to enable it to decide whether the defendant is of unsound mind.

Section 7. Section 202.210 of the Kentucky Revised Statutes is amended to read as follows:

With the commitment of a person to a hospital, a copy of the petition, the certificate of the examining physicians, and the order of commitment shall be sent to the superintendent.

Section 8. Section 202.250 of the Kentucky Revised Statutes is amended to read as follows:

The superintendent of a hospital may refuse to receive any person upon an order of commitment if the papers presented with such person do not comply with the provisions of this chapter.

Section 9. Section 202.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the court which holds the inquest orders an additional guard, his expenses shall be paid by the county and the costs shall not exceed seven cents per mile to be calculated by the nearest traveled route and all actual necessary expenses for feeding and lodging the patient.

(2) No allowance for expenses of either guard or patient to and from the hospital or institution shall be made unless a written application has been made previously to the superintendent or an order of the court has been made to convey the patient to the hospital immediately because of his violent and dangerous character.

Section 10. Section 202.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 202.350, no person who has been adjudged of unsound mind shall be discharged from any hospital or institution as cured or restored until he has been found, by an inquest for restoration, held in the court which adjudged him of unsound mind, to be cured or restored.

(2) No proceedings for restoration shall be instituted for any person adjudged of unsound mind who has been admitted to a hospital until the restoration of such person has been requested by the superintendent as provided in KRS 202.310, or until such person has been discharged by the superintendent as provided in KRS 202.350 or KRS 202.360.

Section 11. Section 202.320 of the Kentucky Revised Statutes is amended to read as follows:

Proceedings for restoration may be instituted by the filing of an affidavit by the person seeking restoration, or by his spouse, relative, guardian or next friend. Written notice of the proceedings for restoration shall be given to the county attorney and to the committee, if any, of the person seeking restoration. If the proceedings are instituted by a person other than the spouse, relative or guardian of the person seeking restoration, such notice shall also be given to said persons.

Section 12. Section 202.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever the superintendent of a state institution for mentally defective persons believes that the condition of a patient has sufficiently improved so that his release will not be injurious to him or detrimental to the public welfare, or that he is not a proper case for treatment at a state institution, the superintendent may, on filing a written certificate with the Department of Welfare, release such person, unless the person is held on an order rising out of a criminal offense.

(2) Before making such certificate, the superintendent shall satisfy himself by sufficient proof that friends or relatives of the person are willing and financially able to receive and care for such person after his release if he is unable to care for himself. If the person to be released is indigent, he shall be returned to the county judge of the county from which he was committed.

(3) No person shall receive a pauper mental defective into his home without a permit from the Department of Welfare.

Section 13. Section 202.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent may discharge a patient without an inquest for restoration of legal status of sanity. In every such instance, the superintendent shall immediately send the name of the discharged patient to the court having jurisdiction in his case. Upon receipt by the court of such notice of discharge the court shall hold an inquest to ascertain whether such patient's legal status should be restored. If the person to be discharged is indigent, he shall be returned to the county judge of the county from which he was committed. Nothing in this section shall apply to patients held upon an order rising out of a criminal offense.

(2) Whenever a person, who is being held in a hospital on an order rising out of a criminal offense, is found not to be mentally ill or to have recovered, the superintendent shall notify the court which has jurisdiction of such person and such court shall forthwith remove the prisoner from the hospital.

Section 14. Section 202.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent may permit patients to be removed by their families or friends on trial visits for care outside the hospital for such length of time as the superintendent deems advisable.

(2) If any patient recovers while on trial visit, the superintendent may discharge him as provided in KRS 202.350. Nothing in this section shall apply to patients held under a commitment order for observation or an order rising out of a criminal offense.

Section 15. Sections 202.200, 202.220, and 202.270 of the Kentucky Revised Statutes are repealed.

Section 16. This Act shall take effect on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers

Joe Rouse	C. Waitman Taylor	Warren D. Williams
William A. Routh	Eulick Walsh	Charles W. Wirsch
W. R. Smith	Will Tom Wathen	Walker H. Wiseman
Mrs. Thelma L. Stovall	W. W. Webster	Dr. Clyde D. Wooton
	Hicks Wells	Paul E. Young

—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Clerk's desk, a bill of the following title, viz:

H. B. No. 268. AN ACT relating to and prohibiting except upon certain conditions, the damming and diverting of water from stretches of navigable streams on which are located dams of fourth class cities which operate waterworks dependent upon such dams.

With amendment thereto attached, adopted on February 24, 1954. (See House Journal February 24, 1954)

Mr. Clay moved the Previous Question.

Said motion was disagreed to by voice vote.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

James A. Dressman, Jr.	Jennings H. Kearby	Cecil C. Sanders
Henry R. Heyburn	Caleb McFadden	E. H. Stumbo
Lon C. Hill	William C. Mann	Mrs. Randolph Wilson
	Fred Morgan	

—10

Those who voted in the negative were—

Rev. Felix S. Anderson	John Rhea Banton	Charles E. Baumgardner, Sr.
Walter J. Bailey	Clarence J. Barnum	Owen Billington
	Wallace Bartley	

Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Paul T. Ratcliffe
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
James Treadway
W. W. Webster
Morris Weintraub
William B. Wells
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—62

Said bill was rejected.

Mr. Brown moved that the vote by which said bill was rejected be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 33. AN ACT relating to juries.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A grand jury shall consist of twelve persons, nine of whom concurring, may find an indictment.

Section 2. A petit jury in the circuit court shall consist of twelve persons, and in courts inferior to the circuit court, a jury

shall consist of six persons, except as provided in KRS 381.470, or where a jury of twelve persons is required by the Constitution, but the parties to any action or prosecution, except for a felony, may agree to a trial by a lesser number of persons.

Section 3. (1) No person shall be qualified as a juror for service on a grand or petit jury unless he or she is a citizen and for the preceding year has been a resident of the county wherein called to serve, at least twenty-one years of age, sober, temperate, discreet, and of good demeanor, not under indictment, and, if convicted of a felony, has been pardoned.

(2) The fact that a person not qualified served on a grand or petit jury shall not be cause for setting the indictment or verdict aside, nor shall exception be taken to any juror for lack of qualification after the jury has been sworn.

Section 4. Only those who, in the sound discretion of the Court, are entitled to exemption shall be exempt from service on any grand or petit jury.

Section 5. (1) If a juror whose name is drawn from the drum has served in the circuit court on the regular panel within twelve months prior thereto, or if a juror summoned as a bystander has served on a jury in the circuit court as a bystander within twelve months prior thereto, such service shall be cause for challenge.

(2) No person shall be eligible to serve as a juror in any court inferior to the circuit court who has served as a juror in any inferior court within four months prior thereto, and such prior service shall be cause for challenge.

(3) If the name of a juror does not appear on the last returned tax commissioner's book for the county, or on the last returned voters' registration book, this shall be cause for challenge.

Section 6. (1) Except as provided in Section 10 hereof, the circuit judge of each county shall, at the first regular term of the circuit court each year, or, in the case of courts of continuous session, at some time during the month of January in each year, appoint as jury commissioners for one year three intelligent and discreet persons who are citizens and have been residents of the county for the preceding year, at least twenty-one

years of age, resident in different portions of the county, having no action in the court requiring the intervention of a jury, and who have not served as jury commissioners in the past year. The commissioners shall be sworn in open court to faithfully discharge and perform their duties. If any commissioner cannot serve, or cannot complete his service, the judge may appoint another person of like qualifications in his place.

(2) The commissioners shall meet at such time and place designated by the circuit judge as will enable them to complete their duties not less than five days before the date fixed by the court for the drawing of the jury list for the grand and petit jury for the next term of court. The commissioners shall thereupon select the names of the prospective jurors for the said next term and all other terms during the year for which they are appointed. The commissioners shall not remain in session longer than five days in counties having a population of less than fifty thousand and for not more than ten days in counties having a population of over fifty thousand, and not containing a city of the first class, and for not more than twenty days in counties containing a city of the first class, except that any court may, by order entered of record, in an emergency, extend the period for the necessary number of days for the completion of the duties of the said commissioners. Before extending said period, however, the court shall examine the commissioners in open court and shall recite in the order the facts causing said extension. While the commissioners are engaged in the performance of their duties, no person shall be with them, except that the jury commissioners of courts of continuous session may select a typist to aid them in the performance of their duties, who shall be sworn in open court to faithfully discharge his or her duties, and who shall be in attendance upon the commissioners while in session. Such typist shall be compensated at the same rate of pay as a commissioner and said compensation shall be paid by the fiscal court except that in counties containing a city of the first class, the compensation of the typist shall be fixed by the fiscal court upon the recommendation of the jury commissioners and paid from the county funds.

Section 7. Each jury commissioner shall receive for his services five dollars per day for the time actually engaged, the

claim for which shall be certified by the judge appointing him and paid by the State Treasurer upon the warrant of the Department of Finance. The fiscal court of any county containing a city of the first class may supplement the compensation of the commissioners by allowing and paying to each commissioner such sum as it, acting upon the recommendation of the circuit judges, shall deem proper.

Section 8. (1) The jury commissioners shall consult the current voters' registration records, and/or the last returned tax records for the county, and, from such records, shall select from those qualified citizens and residents of the county, the following number of persons:

(a) In counties having a population of ten thousand or less, not less than two hundred nor more than three hundred;

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than two hundred fifty nor more than four hundred;

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred;

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, not less than one thousand nor more than two thousand;

(e) In counties having a population of more than one hundred thousand and a circuit court divided into branches, not less than one thousand, nor more than two thousand for each division requiring the services of a jury.

(2) The commissioners shall place, the name and address of each person so selected on a small slip of paper, each slip being as near the same size and appearance as practicable. Each slip shall then be by them enclosed in a small case or capsule and deposited unsealed in a revolving drum, but, before depositing any of the slips in the drum, the commissioners shall carefully examine it and remove therefrom any slips found therein. All memoranda of the slips placed in the drum shall be destroyed by the commissioners as soon as the names are recorded upon the slips of paper which are placed in the drum.

Section 9. When the commissioners have completed the filling of the drum, they shall lock the drum and deliver it and the key and all slip cases not used to the judge of the circuit court for which the drum has been filled who shall deliver the drum and slip cases to the circuit clerk or his deputy in open court, and at the time administer to him or his deputy, and his or their successors upon entering office, the following oath:

"You do solemnly swear that you will not open this drum except in open court under the direction of the judge of this court, and that you will not open the sealed envelopes containing the list of jurors for the session of this court to be held in the month of ———————— in the year of ——————, until the time fixed by law; that you will not, directly or indirectly, converse with anyone selected as a petit juror concerning any suit for trial in this court, at its next term, unless by leave of court."

Section 10. (1) Circuit courts which are divided into two divisions shall have four commissioners, two to be appointed by the judge of each division. They shall meet together and shall have only one drum, except in counties having circuit courts of continuous session in which the court is authorized to hold part of its sessions in a city of the second class, not a county seat, the court shall have one drum for use at the county seat and another drum for use in the city of the second class. The commissioners shall meet at the county seat and select not less than one hundred twenty-five nor more than one hundred fifty names and place them in the drum as provided in Section 8 of this Act, and shall then meet at the city of the second class and select one thousand names, and place them in the drum as provided in Section 8 of this Act.

(2) Circuit courts which are divided into more than two divisions shall have one commissioner for each division requiring the services of a jury, the judge of each such division to appoint one commissioner. They shall meet together and shall have a separate drum for each such division.

(3) No grand jury shall be made, nor grand juror drawn for any other than the criminal branch of a circuit court having branches.

Section 11. If at any time it appears to the judge of a court or a division of a court that the names in the drum for the court will be exhausted before the next annual selection of commissioners, the judge, by an order entered of record, shall reconvene the commissioners or, if in a county in which the circuit court is divided into more than two divisions, then any three of the commissioners. They shall select and place in the drum, as provided in Section 8 of this Act, such number of names of qualified jurors as may be stated in the order of the court reconvening them, and they shall be paid for such reconvened session as set out in Section 6 of this Act.

Section 12. Except when in custody of the commissioners or the judge, the drum, its contents, and all cases not in use shall be carefully kept by the circuit clerk, but the key to the drum, except when in use by the commissioners, shall be kept by the judge of the court. If, at any term of court at which a jury is to be drawn, the judge cannot attend, he shall transmit the key by some reliable person or express company to the pro tem court who shall, immediately at the close of the term, transmit the key by express or some reliable person to the regular judge. When the key is transmitted by a person he shall be sworn to promptly carry and deliver it to the judge to whom sent, without exhibiting it to any other person or permitting it out of his possession.

Section 13. The drums, locks, keys and cases shall be selected by the Auditor of Public Accounts, Secretary of State, and Attorney-General, and may vary in size to suit the needs of each county. They shall be paid for by the respective counties out of the county levy as other claims are paid, and when any of them become unfit for use or are destroyed, others shall be supplied by the county as soon as practicable thereafter.

Section 14. (1) At each term of circuit courts having terms, the judge shall, in open court, draw from the drum a sufficient number of names not to exceed sixty, to procure twelve persons to act as grand jurors for the next term of court and to secure not less than twenty-four nor more than thirty-two persons to act as petit jurors for the trial of civil and criminal cases at the next term; record the names upon paper, certify and sign it. Sessions of court having continuous session held at the county seat of

a county in which there is a city of the second class at which part of its sessions are authorized to be held, shall be deemed terms of the court within the meaning of this section.

(2) In courts of continuous session, except the court in counties containing a city of the first class, the judge of the court, or if the court has branches, the judge of the criminal branch shall, in open court, on a day at least two weeks next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names, not to exceed seventy-two, to procure twelve persons to act as grand jurors and not less than twenty-four, nor more than thirty-two, persons to act as petit jurors for the trial of civil and criminal cases, and shall make a written record thereof which he shall certify and sign. In the civil branch of such court, the provisions of this subsection shall apply except that the court shall not draw in excess of sixty names of persons to act as petit jurors if there is a separate criminal branch.

(3) In circuit courts of counties containing a city of the first class, the judge of the criminal branch shall, on a day at least two weeks next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names in the discretion of the court, not to exceed seventy-two, to procure twelve persons to act as grand jurors and not less than twenty-four, nor more than thirty-two, persons to act as petit jurors, and shall make a written record thereof, which he shall certify and sign. In the civil branches of such courts, the provisions of this subsection shall apply, except that the judge of each civil division requiring the services of a petit jury shall not draw more than sixty persons to act as petit jurors.

(4) If the criminal branch of said court contains more than one division, then the judges of the respective criminal divisions shall, insofar as possible, alternate by the month in drawing and empaneling the grand jury.

(5) If, in the opinion of the judge, because of the particular nature or notoriety of a pending case, or for other reasons, it is deemed advisable by the court to have more jurors available at a particular time, the court may, by order

entered of record, provide for the summoning of as many more qualified persons to act as petit jurors as the court may deem necessary to secure a petit jury for the trial of such action or actions.

(6) The court may, if a surplus number of jurors appear on the date when summoned, excuse any number of them in its discretion until such day as they may be ordered to report for jury service.

(7) A petit jury or petit jurors drawn by the judge of one branch or division of the court may be used by the judge of another branch or division of the court.

(8) If the day on which the drawing of jurors is prescribed to be done is a holiday, the judge shall draw the names on the following day.

(9) The judge shall not destroy the slips drawn from the drum until the persons who are to serve as jurors have been selected. The slips containing the names of those excused because of temporary disability shall be returned to the drum. The lists and slips shall be kept secret by the judge and the clerk until such time as the list is delivered to the sheriff as provided in Section 18 of this Act.

Section 15. In all circuit courts the judge shall place the jury list in an envelope of good paper, and seal and endorse it so as to show that the envelope contains a jury list, and the month and the term, or date, for which the jurors are selected, the date of their selection, and sign his name across the seal. Immediately after drawing the names from the drum, the judge shall lock the drum. The judge shall deliver the list and the drum to the clerk, at the same time administering to the clerk and his deputies the oath prescribed in Section 9 of this Act.

Section 16. In circuit courts having continuous sessions and more than one judge, if the judge of any division cannot attend upon the day provided for the drawing of names for juries, the judge of any division of the court may attend and draw names for the juries. In circuit courts having continuous sessions and only one judge, if the judge cannot attend upon the day provided for the drawing of names for juries, he shall

draw the names for the juries upon the first day thereafter he does attend. Any special judge presiding at a term of court at which the regular judge is absent, or over any division of a circuit court having continuous sessions, may draw the names for the juries in the same manner as the regular judge.

Section 17. Grand or petit juries may be summoned for any special term of a circuit court by direction of the judge. If a special term is called by an order entered at a regular term, the juries for the special term may be drawn at the regular term at which the special term is called, in the same manner as the juries are drawn for the next regular term. If a special term is called by notice during vacation, the judge may, not more than ten, nor less than five, days before the special term is to begin, direct the clerk to immediately open the list made and delivered to him at the last regular term of the court. The clerk shall immediately open the list, make a copy thereof and deliver it to the sheriff, who shall summon the jurors. If the list of jurors selected for a regular term is used at a special term, the judge at the special term shall draw and make up from the drum, in the manner provided in Section 14 hereof, other lists, instead of the ones used, for the next regular term of the court.

Section 18. (1) The clerk of each circuit court shall open the sealed envelope containing the jury list for a term, or month, not more than twenty days before the date on which the grand and petit jurors are required to attend and shall make fair copies of the jury lists and deliver them to the sheriff in sufficient time to enable him to summon the jurors by the time hereinafter specified. The sheriff shall, at least seven days prior to the date on which they are required to attend, summon the persons to attend. In courts having terms, the judge shall, by order, specify to the sheriff the number of jurors to be summoned to attend on the first day of the term, and, if less than the full number drawn for jury service are directed to attend on the first day of the term, then the subsequent day in the term on which the remainder shall be summoned to attend. In courts of continuous session, the jurors shall be summoned to attend on the first Monday in the month for which they were drawn, or on such day as is ordered by the judge; provided, that the judge, by order, may direct the sheriff to summon less than the full number

drawn to attend the first Monday, and the remainder at a subsequent day. The officer shall summon such persons by giving to each one found personal notice, and to each one not found by leaving a written notice at the juror's place of residence with some member of his family over sixteen years of age. The list shall be returned by the sheriff seven days in advance of the day upon which the jurors are required to attend, with a certificate thereon of the date and manner in which each juror was summoned. From this list the regular panels of grand and petit juries shall be selected. The court may, in selecting the respective panels, interrogate such persons relative to any matter which it deems pertinent and material to determine their qualifications as jurors.

(2) If the sheriff's return discloses that a person summoned for jury service is deceased, or was otherwise unable to be served, the court, when the jury list is returned, may draw from the drum an equivalent number of names and the sheriff shall immediately summon such persons.

(3) No sheriff or other officer shall, corruptly or through favor or ill will, summon a juror with intent that the juror shall find a verdict for or against any party, or, with like intent that a person shall or shall not find an indictment against any particular individual, and he shall not through favor or ill will fail to summon a person to act as a juror.

Section 19. At the commencement of each term of court at which jury cases may be tried, the judge shall administer to the sheriff and deputies the following oath:

"You do swear, without favor or affection, or without a desire to favor or injure the rights of any litigant, you will summon, when required, jurors for this county; that, to the best of your skill and judgment, you will select discreet, sensible, impartial and sober men; that you will not, directly or indirectly, communicate or converse with any juryman, unless under the direction of the court, touching the subject matter of any suit pending trial at that time; that you will not, by any means attempt to influence, advise, or control a juryman in his opinion in any case under trial."

Section 20. The court may adjourn the whole or a part of the petit jury to any day of the term, but they shall not be paid for the time they stand adjourned. The grand jury may be adjourned in like manner without pay.

Section 21. A grand jury shall be summoned at three regular terms of circuit court, unless otherwise ordered by the judge by an order entered of record. In courts of continuous session the judge of the court, or of the criminal division if the court has divisions, shall empanel a grand jury on the first Monday of each month that the court is in session, unless otherwise ordered by the judge.

Section 22. If, during the session of the grand jury, one or more of said jurors becomes ill, or it is necessary to excuse him for any reason within the discretion of the court, the court shall replace said grand juror from the current list of persons summoned, and when the current list has been exhausted by drawing from the drum.

Section 23. The court shall appoint one of the number of every grand jury foreman thereof, and the following oath, in substance, shall be administered to the grand jury: "Saving yourselves, you do swear that you will diligently inquire of and present all felonies, misdemeanors, and breaches of the penal laws, that have been committed or done within the limits of the jurisdiction of this county, of which you have knowledge or may receive information."

Section 24. The judge of each circuit court shall charge each grand jury empaneled in his court with reference to their duties in regard to law enforcement.

Section 25. (1) In courts in counties not containing a city of the first class, grand juries may remain in session six days at any term of court, and the court may, if the business before the grand jury requires it, by an order duly entered on the order book, extend the time up to nine additional days.

(2) In courts in counties containing a city of the first class, the grand jury may remain in session from the first Monday of the month for which it is empaneled to, but not including, the

first Monday in the following month, in the discretion of the court.

Section 26. On the day the persons selected by the judge to serve as petit jurors are summoned to attend, the panel shall be called, and the names of such as attend and are not excused by the court shall be entered of record. The clerk shall write the names of jurors entered of record on identical separate slips of paper. When a jury is wanted for the trial of a case, it shall be drawn from a box after the slips have been deposited therein and well mixed. The clerk shall provide and keep for that purpose a suitable box with a sliding lid.

Section 27. No officer, party to an action pending, or his attorney or attorneys shall, without leave of court, converse with the jury or any member thereof upon any subject after they have been sworn.

Section 28. Sections 29.010, 29.020, 29.030, 29.040, 29.050, 29.060, 29.070, 29.080, 29.090, 29.100, 29.110, 29.120, 29.130, 29.140, 29.150, 29.160, 29.170, 29.180, 29.190, 29.200, 29.210, 29.220, 29.230, 29.240, 29.250, 29.310 and 325.430 of the Kentucky Revised Statutes are hereby repealed.

Section 29. The provisions of this Act shall not affect juries empaneled prior to the effective date of this Act.

Section 30. Whereas it is increasingly difficult to obtain the required number of qualified persons for jury service, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
Walker H. Wiseman
Paul E. Young

—74

Those who voted in the negative were—

Charles W. Buchanan	Varna Holt	James Treadway
Charles W. Craig	Eddie J. Morris	Charles W. Wirsch
	LeRoy Saylor	Dr. Clyde D. Wooton

—8

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Billington moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Billington moved that H. B. No. 173 be taken from the Committee on Regulation of Intoxicating Liquors and read into the Calendar.

Mr. Billington and Mr. Blue having requested roll call, the yeas and nays were taken as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	Henry R. Heyburn	Carl D. Melton
Wallace Bartley	Lon C. Hill	Louis T. Peniston
Owen Billington	Estill R. Hilton	Paul T. Ratcliffe
J. Murray Blue	Varna Holt	Jack Raybourne, Jr.
J. C. Bradley	Jennings H. Kearby	Joe Rouse
Harry M. Caudill	James W. Lambert	Cecil C. Sanders
Paul Cobb	George H. Lovelace	LeRoy Saylor
W. Marvin Davis	Shelby McCallum	W. R. Smith
Albert Dempsey	Ralph E. McClanahan	W. W. Webster
Harold Edmonds	Caleb McFadden	Morris Weintraub
Cabell D. Francis	William C. Mann	Mrs. Randolph Wilson
W. L. Hadden	George R. Martin	Dr. Clyde D. Wooton
C. Ruby Harralson		
Harold G. Helm		

—38

Those who voted in the negative were—

Clarence J. Barnum	Thomas P. Fitzpatrick	Fred Morgan
Charles E. Baumgardner, Sr.	Chester J. Holsclaw	Thomas J. Murphy
Leo A. Bleemel	William M. Horn	Robert Reid
Edward O. Bridgers	William E. Maglinger	Lloyd E. Rogers
John Young Brown	Damon Majors	William A. Routh
R. Josh Cosby	Tom Mobley	Mrs. Thelma L. Stovall
Vernor O. Cottengim	Robert K. Montgomery	Eulick Walsh
John L. Day	Walter R. Moorman	Charles W. Wirsch
James A. Dressman, Jr.		Walker H. Wiseman
Addison L. Everett		Paul E. Young

—28

The result being 38 yeas and 28 nays, the motion was disagreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 62. AN ACT relating to juries in police courts in cities of the second class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to be numbered 29.135 and to read as follows:

In any county containing a city of the second class, the circuit judge, or where the court has divisions, the judge of the common-law and equity division, shall, at the same time that he draws the names of circuit court jurors pursuant to KRS 29.130, draw sufficient additional names to procure a list of twenty-four names of persons resident within the city. This list of twenty-four names shall be certified by the judge who drew them, sealed in an envelope and delivered forthwith to the judge of the police court.

Section 2. Subsection (2) of Section 26.400 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class, the police court may use a jury in any case, and where the penalty may be a fine of twenty-five dollars or more or imprisonment, other than in commutation of a fine, the accused may, at or before the time the case is called for trial, demand a jury. The judge shall direct any police officer to summons from the list of jurors provided pursuant to KRS 29.135, and at least three days before they are required to appear, such number of jurors as the judge shall designate. If necessary to provide time to summons jurors the judge shall continue the case. The court shall have the same power of circuit courts to hold or excuse the attendance of jurors. If the court is unable to obtain a jury from the regular jury panel, the judge may order any police officer to summon sufficient bystanders to complete the jury. Police court jurors shall receive the same fees as are paid to circuit court jurors.

Mr. Weintraub moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	Wallace Bartley	Owen Billington
John Rhea Banton	Charles E. Baumgardner, Sr.	Leo A. Bleemel
Clarence J. Barnum		J. Murray Blue

J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—76

There voted in the negative—

James Treadway —1

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 290. AN ACT providing for the regulation of the practice of optometry; etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The practice of optometry in the Commonwealth of Kentucky is hereby declared to affect the public health and safety and is subject to regulation and control in the public interest. Optometry is hereby declared to be a learned profession and it is further declared to be a matter of public interest and concern that the practice of optometry as defined in this Act and the optometric profession merit and receive the confidence of the public and that only qualified persons be admitted to the practice of optometry and be permitted to so practice in the Commonwealth of Kentucky. This Act shall be liberally construed to carry out these objects and purposes in accordance with this declaration of policy.

Section 2. As used in this Act, unless the context requires otherwise:

(1) "Board" means the Kentucky Board of Optometric Examiners.

(2) "Practice of Optometry" means the employment of any means other than the use of drugs, medicine or surgery to examine the human eye, to determine the visual efficiency of the human eye, or to determine the powers or defects of vision: the prescribing, providing, furnishing, adapting, using or employing lenses, prisms, contact lenses, visual training, orthoptics, ocular exercise or any other means or device other than the use of drugs, medicine or surgery for the aid, relief or correction of vision.

(3) "Visual Aid Glasses" means eyeglasses, spectacles or lenses designed or used to correct visual defects.

Section 3.

(1) No peron shall practice optometry in this Commonwealth or hold himself out as being able so to do unless he is the holder of a license duly issued to him by the Board and registered in the manner provided by Section 10.

(2) Such license to practice optometry shall not be required by physicians or osteopaths regularly licensed to practice medicine or osteopathy at any place in the Commonwealth of Kentucky, or by persons who fit, adjust or dispense visual aid glasses upon the written prescription of a regularly licensed optometrist, physician or osteopath.

Section 4.

(1) The Kentucky Board of Optometric Examiners shall consist of five practicing optometrists well grounded in the practice of optometry appointed by the Governor from a list containing three names for each appointment recommended by the Kentucky Optometric Association. The members shall serve for a term of four years and until their successors are appointed and have qualified. They shall serve without compensation but shall be reimbursed for actual expenses incurred in the carrying out of their duties under this Act.

(2) Each member shall be well grounded in the theory and practice of the profession of optometry and shall have been an actual resident and licensed practicing optometrist of this State for not less than five years immediately preceding his appointment to the Board. He shall not be in any way connected with or interested in any optometric school, college or institution of learning or optometric supply business.

(3) Any vacancy occuring on the Board as the result of a member not completing the term for which he was appointed shall be filled, for the unexpired term, in the same manner as is provided in subsection (1) for the appointment of members.

(4) A majority of the members of the Board shall constitute a quorum for the transaction of business.

(5) Those persons appointed as members of the Kentucky Board of Optometric Examiners under the provisions of KRS 320.140 shall constitute the Board created under the provisions of this Act and shall serve until the expiration of the term for which they were appointed and until their successors are appointed and have qualified.

Section 5.

(1) The Board shall meet at least once each year at which time it shall choose from among its members the president, vice-president, and secretary-treasurer. In addition, the Board upon call of its officers, may hold meetings at such time as it deems necessary. The secretary-treasurer shall keep a full record of its proceedings which shall be open to inspection at all reasonable times.

(2) The Board shall keep a register containing the name, address and license number of every person licensed to practice optometry in this State.

(3) The Attorney General shall render to the Board such legal services as it may require in carrying out and enforcing the provisions of this Act.

(4) Subject to and consistent with the provisions of this Act, the Board shall make and promulgate reasonable rules and regulations and do any and all things which it may deem necessary or proper for the effective enforcement of this Act and for the full and efficient performance of its duties hereunder and the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists.

(5) The Board shall have a common seal.

(6) The Board shall have authority to administer oaths and to require the attendance of witnesses, the production of books, records and papers pertinent to any matters coming before the Board by the issuance of process which shall be served and returned in the same manner as in civil actions and for the disobedience of which the Board shall have the power to invoke the same rights as are provided in the event of disobedience of a subpoena or subpoena duces tecum in a civil action.

(7) The Board shall have rules and regulations governing applicants and applications for registration or license under this Act and governing the conduct of licensing examinations.

(8) The Board shall from time to time accredit schools and colleges teaching optometry, the graduates of which shall be eligible to licensing examinations.

(9) The Board shall have the right to determine what acts on the part of any person licensed as an optometrist in this State shall constitute unprofessional conduct under this Act.

(10) The Board shall have authority, to assist in the prosecution of any violation of this Act and in the enforcement of any of the provisions of this Act.

(11) The Board shall have such other powers and duties as may be provided in the provisions of this Act.

(12) The Board shall make a report of its proceedings to the Governor on or about January 1st of each year, including an accounting of all moneys received and disbursed.

Section 6.

(1) Licenses to engage in the practice of optometry shall be issued only to those who qualify therefor under the provisions of Sections 7 or 8, or who successfully pass examinations conducted under the direction of the Board at a time and place fixed by the Board. Each license certificate shall be signed by the president and secretary-treasurer and authenticated by the seal of the Board.

(2) Examinations for a license to practice optometry shall be conducted by the Board at least twice each year. Applicants for the examination shall furnish to the Board, on forms furnished by the Board, all required information, and shall receive from the secretary-treasurer due notice of the time and place of the examination.

(3) Examinations may be either oral or written, or both, and on such subjects as may be designated by the Board. Applicants making an average grade of 75% upon all subjects shall be admitted to practice; provided, however, that no applicant shall be admitted to practice who does not make a grade of 60% or more upon each subject. Any applicant who makes a grade of less than 60% in only one subject may at the next subsequent examination held by the Board be re-examined in that one subject, and, if he then makes a grade of not less than 75% in that particular subject, be admitted to practice.

(4) Every person applying for examination by the Board

shall present satisfactory proof verified by oath that he is at least 21 years of age, of good moral character, a citizen of the United States, has graduated from a high school having a four year course, and is a graduate of an accredited optometric college, school or department of a university having a minimum five academic year course and recognized and approved by the Board.

(5) The fee for each examination, including each re-examination, for a license to practice optometry shall be twenty-five dollars for resident applicants and seventy-five dollars for non-resident applicants.

(6) No person shall be allowed to take the examination more than three times within the period of any five consecutive years.

Section 7. Any person, who, on the effective date of this Act, was the holder of a valid, unrevoked license to practice optometry issued to him under the laws of this State, shall not be required to take an examination under this Act, but shall secure an annual renewal of his license, and in every other respect shall be subject to this Act.

Section 8. Any person who has been licensed to practice optometry in another state, which state has licensing and educational requirements substantially equal to or higher than those of this State and which grants equal licensing privileges to persons licensed in this State, may be issued, without examination, a license to practice optometry in this State upon the payment of a fee of seventy-five dollars and the production of satisfactory evidence that he is of good moral character and has actually practiced optometry for at least five years.

Section 9.

(1) All optometrists desiring to continue practice shall annually, prior to March 1, secure from the secretary-treasurer of the Board a renewal certificate upon the payment of a fee of not more than ten dollars. Not later than February 15th of each year the secretary-treasurer shall notify by mail, all optometrists of the renewal date and fee. Application for a renewal shall be

upon such form as is prescribed by the Board and the optometrists shall furnish the information required by such form.

(2) Failure of any optometrist to secure his renewal certificate within sixty days after March 1, shall constitute sufficient cause for the Board to revoke his license.

Section 10.

(1) Every optometrist shall register his license with the clerk of the county in which he resides. The clerk shall receive the sum of $1.00 as a filing fee.

(2) Every practicing optometrist shall display in a conspicuous place at the entrance to his office the true full name of the person practicing therein and shall keep his license certificate conspicuously displayed in his place of practice so that it can easily be seen and read but not so as to use it to attract patronage.

Section 11. It shall be unlawful and a violation of the provisions of this Act for any person;

(1) To sell, fit or dispense visual aid glasses except upon the written prescription of an optometrist, physician or osteopath regularly licensed to practice optometry, medicine or osteopathy. Eye-glasses or spectacles with plano-white or plano-colored lenses shall not be considered visual aid glasses.

(2) To practice optometry, directly or indirectly, or to hold himself as being able so to do without first having obtained a license from the Board and filing the same with the Clerk of the county in which he resides.

(3) To directly or indirectly solicit the sale of spectacles, eyeglasses, lenses, frames, mountings, eye examinations or optometric services.

(4) To advertise by any means whatsoever, directly or indirectly, the cost or price of visual aid glasses; to offer such glasses at a discount or as a premium for the purchase of any article of merchandise; to advertise any reference to or comparison of cost or price of visual aid glasses in any manner whatsoever, directly or indirectly; to advertise any type of visual care service as being superior to any other, or to advertise the terms of credit or payment for such glasses.

(5) If he writes a prescription for visual aid glasses, to receive any part of the price paid to a third person for filing such prescription; or for such third person to pay to the person writing the prescription any part of the price paid for filling such prescription.

(6) To practice optometry under any name other than his own.

Section 12.

(1) The Board shall have the power to refuse to grant, issue or renew any license to practice optometry, or to revoke or suspend any license to practice optometry for any of the following causes:

(a) Presentation to the Board of any license, certificate or graduation diploma illegally or fraudulently obtained, or the practice of fraud or deception in passing an examination.

(b) Conviction of a crime involving moral turpitude.

(c) Chronic or persistent inebriety or addiction to a drug habit to an extent that disqualifies from practicing with safety to the public.

(d) Loaning, selling, or fraudulently obtaining any optometry diploma, license, record, or certificate, or aiding or abetting therein.

(e) Gross incompetence, as determined by the Board.

(f) Grossly unprofessional or dishonorable conduct, as determined by the Board.

(g) The obtaining of any fee by fraud or misrepresentation or the practice of deception or fraud upon any patient or patients.

(h) Affliction with a contagious or infectious disease which, in the opinion of the Board, renders practice of optometry by the licensee or applicant for license dangerous to the public health.

(i) Practicing as an itinerant, peddling from door to door, establishing a temporary office, or practicing optometry outside of or away from his regular office or place of practice.

(j) Employing, procuring, inducing, aiding or abetting any person, not holding a license, to practice optometry or any branch of medicine.

(k) Soliciting patients by advertising of any nature or description. Provided, however, that upon the opening, reopening or removal of an office for the practice of optometry, an optometrist may publish, in local newspapers, an announcement, which announcement shall be limited to a statement of his name, title, profession, degrees, address, telephone number and office hours; and further provided that such announcement shall not be published for more than 90 days after the opening, reopening or removal of such office; such announcement shall not exceed eight square inches in area.

(l) Seeking patronage by means of solicitors, canvassers, cappers, steerers or agents.

(m) Displaying any spectacle, eyeglasses, eyeglass or spectacle frames or mountings, goggles, lenses, prisms, spectacle or eyeglass cases, opthalmic material of any kind, optometric instruments, or optical tools or machinery, or any merchandise, material, or displays of a commercial nature in office windows or reception rooms or in display cases outside of the office, where the display of such merchandise, material or displays would make it visible from the street.

(n) Announcing his name in any city, commercial telephone or other public directory, or directories in public or office buildings, using display or bold-face type or type that is in any way dissimilar in size, shape, or color to that used for other practitioners of the healing arts in the same directory.

(o) Displaying his license, diplomas, or certificates in such a manner that they may be seen from the outside of the office.

(p) Using the title doctor or its abbreviation without further qualifying this title or abbreviation with the word "optometrist."

(q) Use by an optometrist of the words, "clinic", "infirmary", "hospital", "school", "college", "university", or "institute" in English or any other language in connection with any

place where optometry may be practiced or demonstrated; provided, however, that nothing in this section shall prevent an optometric clinic, approved by the Board, from being conducted on a nonprofit basis by a school or college of optometry or an association or registered optometrists.

(r) Any conduct which, in the opinion of the Board, is of a character likely to deceive or defraud the public.

(s) The issuance of appointment cards or the display of the name of the licensee on the premises where he is engaged in the practice of his profession when the information goes beyond that permitted by a professional card.

(t) The display of the name and title of the licensee, in lettering larger than four inches in height for street-level offices, or larger than six inches in height for offices above street-level and in no event shall there be more than three such displays, and the illumination of said name and title except during office hours; the use of colored or neon lights, eyeglasses or eye signs, whether painted, neon, decalcomania, or any other medium of display either in the form of eyes or structures resembling eyes, eyeglass frames, eyeglasses or spectacles, whether lighted or not.

(2) Nothing in this section shall be construed to prohibit a licensed optometrist from issuing appointment cards to his patients when the information thereon is limited to matter pertaining to the time and place of appointment and that permitted on a professional card. For the purpose of this section, the professional card shall contain only the name, title, profession, degrees, address, telephone number and office hours of the licensed optometrist.

(3) Nothing in this section shall prevent an optometrist from establishing not more than one branch office, providing such office contains such minimum equipment as shall be required by rule of the Board and provided further that a duly licensed optometrist shall be in charge of such office.

Section 13.

(1) Proceedings to revoke or suspend a license may be

taken by the Board from the matters within its knowledge or upon the information of another. If the informant is a member of the Board, the other members shall constitute the Board for the purpose of judging the accused. Every accusation shall be in writing, verified by some person familiar with the facts charged in it. Three copies shall be filed with the secretary-treasurer of the Board. Upon receiving the accusation the Board shall, if it considers it sufficient, make an order setting the accusation for hearing at a specified time and place, and requiring the accused to appear and answer it. The secretary-treasurer shall cause a copy of the order and accusation to be served upon the accused at least ten days before the day appointed in the order for the hearing.

(2) The person accused shall appear at the time appointed in the order, answer the charges in writing and make his defense, unless for sufficient cause the Board assigns another day for that purpose. If he does not appear the Board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges, or if upon the hearing the Board finds any of them true, it may proceed to a judgment of either revoking his license or suspending it. The Board and the accused may have the benefit of counsel. The Board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person by the issuance of subpoenas over the signature of the secretary-treasurer and the seal of the Board and in the name of the Commonwealth.

(3) The revocation of any license shall be noted upon the records of the Board, and the license shall be marked as cancelled upon the date of its revocation. The secretary-treasurer of the Board shall, upon entry of a judgment of suspension or revocation, transmit to the county clerk of the county in which the license affected by the judgment is recorded, a copy of the judgment order, certified to as such by the secretary-treasurer for record. The copy of the judgment order shall be recorded in the same manner and the same book in which the record of the certificate to practice optometry is kept.

Section 14. A licensee whose license has been revoked by

the Board may appeal from the revocation order within thirty days of the cancellation of his license. The appeal shall be to the circuit court of the county in which the accused regularly practices. Any person who takes such an appeal shall serve upon the secretary-treasurer, a written notice of the appeal, and shall file with the clerk of the circuit court to which such appeal is taken an appeal bond with good and sufficient surety, to be approved by the clerk, to secure the payment of any costs charged against him upon the appeal. The secretary-treasurer, within ten days after the service of notice of appeal, shall transmit to the clerk of the circuit court to which the appeal is taken a certified copy, under the seal of the Board, of the accusations on which the revocation was based and of the order of revocation. The clerk of the circuit court shall docket the case. It shall be tried do vovo and in all respects like an ordinary civil action. Either party may appeal from the judgment of the circuit court to the Court of Appeals as in a civil action. The judgment shall be stayed from the date of the approval of the bond until final determination of the appeal.

Section 15. Upon application the Board may reissue a license to practice optometry that has been revoked. No such application shall be made prior to one year after revocation. The Board may prescribe the manner and form of application.

Section 16. No person shall practice optometry on premises not separate from premises whereon eyeglasses, lenses, eyeglass frames or any other merchandise or products are sold by any other person. For the purposes of this section, any room or suite of rooms in which optometry is practiced shall be considered separate premises if it has a separate and direct entrance from a street or public hallway or corridor within a building, which corrider is partitioned off by partitions from floor to ceiling.

Section 17. All fees imposed and collected under the provisions of this Act shall be paid to the secretary-treasurer of the Board for the use of the Board, and shall be deposited in the State Treasury to the credit of an agency fund for the use of the Board.

Section 18. The Board may institute in its own name an action to enjoin, temporarily or permanently, a violation of any

of the provisions of this Act, or a violation of any rule or regulation promulgated pursuant to this Act.

Section 19. Any person who violates any of the provisions of this Act shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense, and shall be fined one hundred dollars and confined in jail for thirty days for each subsequent offense.

Section 20. If any section of this Act or any part thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other section or part thereof.

Section 21. Sections 320.010 to 320.990, inclusive, of the Kentucky Revised Statutes are repealed.

Mr. Everett offered the following amendment and moved its adoption.

Amendment No. 1—On page 3, section 3 (2), lines 9, 10, 11. Insert period after the word "Kentucky" on line 9, and strike the remainder of lines 9, 10, 11.

Said motion was agreed to.

Said amendment adopted.

Mr. Everett offered the following amendment and moved its adoption.

Amendment No. 2.—On page 3, section 3, Add new subsection to be numbered (3) and to read as follows: "Nothing in this Act shall be construed to prohibit persons from fitting, adjusting, or dispensing visual aid glasses or other lenses or appurtenances provided that such fitting, adjusting or dispensing is done upon the written prescription of a regularly licensed optometrist, physician or osteopath, or as requiring such persons to be licensed under this act."

Said motion was agreed to.

Said amendment adopted.

Mr. Everett offered the following amendment and moved its adoption.

Amendment No. 3—On page 9, section 11, lines 12, 13, 14. Strike in their entirety.

Said motion was agreed to.

Said amendment adopted.

Mr. Everett offered the following amendment and moved its adoption.

Amendment No. 4—On page 2, line 15 of the printed bill by striking the period "." following the word "defects" and inserting in lieu thereof the following:

"; provided, however, that nothing in the provision of this Act relating to the practice of optometry shall be construed to limit or restrict, in any respect, the sale of sunglasses designed and used solely to filter out light; and further provided that nothing in this Act relating to the practice of optometry shall be construed to limit or restrict, in any respect, the sale of completely assembled eyeglasses or spectacles designed and used solely to magnify."

Said motion was agreed to.

Said amendment adopted.

Mr. Everett offered the following amendment and moved its adoption.

Amendment No. 5—On page 2, section 2, between line 15 of Section 2 and line 1 of Section 3 by inserting the following:

An orthoptic technician is a person who trains and directs individuals to engage in ocular exercises designed to correct visual defects, and shall not be required to be licensed under the provisions of this act provided that such training and directions are done pursuant to and under the instructions of a duly licensed physician, osteopath or optometrist and consists solely of visual training, orthoptics or ocular exercises.

Said motion was agreed to.

Said amendment adopted.

Mr. Everett offered the following amendment and moved its adoption.

Amendment No. 6—On page 8, section 11 subsection 1, line 6 and 7. By striking therefrom the following:

"Eye-glasses or spectacles with plano-white or plano-colored lenses shall not be considered visual aid glasses.

Mr. Everett offered the following amendment and moved its adoption.

Amendment No. 7—On page 10, section 12 subsection J, line 30 and 31. By placing a period in line after the word "optometry" and striking from lines 30 and 31 the following words:

"or any branch of medicine."

Said motion was agreed to.

Said amendment was adopted.

Mr. Everett moved the Previous Question.

Whereupon, the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Wathen moved that the Constitution provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	J. C. Bradley
Walter J. Bailey	Owen Billington	Edward T. Breathitt, Jr.
John Rhea Banton	Leo A. Bleemel	Edward O. Bridgers
Wallace Bartley	J. Murray Blue	John Young Brown

Charles W. Buchanan
Harry M. Caudill
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—78

Resolved that the title thereof be as aforesaid.

Mr. Everett moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Wathen moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Morris and Mr. Webster.

H. B. No. 476. AN ACT relating to the protection of members of the House of Representatives and making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The State Property and Buildings Commission shall cause to be installed in the galleries of the House of Representatives glass of such bullet-proof character as will provide adequate protection for the members of the House, such installation to be complete before the next regular session of the General Assembly.

Section 2. There is hereby appropriated the sum of ten thousand dollars for use in the installation directed in Section 1 of this Act.

By Mr. Maglinger.

H. B. No. 477. AN ACT relating to payment of damages arising out of ownership, maintenance or use of motor vehicles in certain cases.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Treasurer" means the State Treasurer acting as custodian of the Unsatisfied Claim and Judgment Fund.

(2) "Department" means the Department of Revenue.

(3) "Fund" means the Unsatisfied Claim and Judgment Fund.

(4) "Uninsured motor vehicle" means every motor vehicle, as defined in KRS 187.290, upon which, at the time of the accident resulting in proceedings under this Act, there was not in

force a motor vehicle liability policy, as defined in KRS 187.490, or for which a currently effective certificate of self-insurance had not been issued pursuant to KRS 187.600.

Section 2. (1) For the purpose of creating the fund:

(a) Every person registering a motor vehicle, pursuant to the provisions of KRS Ch. 186, in this state for the year beginning January 1, 1955, and upon which, at the time of registration, there is not in force a motor vehicle liability policy, as defined in KRS 187.490, or for which a currently effective certificate of self-insurance has not been issued pursuant to KRS 187.600, shall pay at the time of registering same, in addition to any other fee prescribed by any other law, a fee of three dollars.

(b) Every other person registering a motor vehicle in this state for the year beginning January 1, 1955, shall pay at the time of registering same, in addition to any other fee prescribed by any other law, a fee of one dollar.

(2) All fees collected by the county court clerk under the provisions of subsection (1) shall, within twenty days after receipt thereof, be forwarded, properly identified to the Treasurer.

Section 3. (1) Any person, or the personal representative of such person, who suffers damages resulting from bodily injury or death or damage to property arising out of the ownership, maintenance or use of a motor vehicle in this state on or after July 1, 1955, and whose damages may be satisfied in whole or in part from the fund, shall, within thirty days after the accident, as a condition precedent to the right thereafter to apply for payment from the fund, give notice to the department, on a form prepared by it, of his intention to make a claim thereon for such damages, if otherwise uncollectible. The giving of the notice required herein shall be considered sufficient if the person can produce satisfactory proof that he was physically incapable of giving the notice within the period but that he gave it within thirty days after becoming physically able to do so, or, in the event that he did not become so capable, that a notice was given in his behalf within a reasonable period.

(2) The notice shall contain such information as is required by the department and shall be accompanied by a copy

of the complaint if an action has been brought heretofore to enforce the claim for damages.

(3) After giving the notice provided in subsection (1), a person or personal representative shall, within fifteen days after institution thereof, notify the department of any action instituted for the enforcement of such claim, and the notice shall be accompanied by a copy of the complaint.

Section 4. (1) The department may investigate any claim concerning which notice is filed pursuant to subsection (1) of section 3, and may defend any action concerning which a copy of the complaint has been filed pursuant to subsections (2) or (3) of section 3.

(2) The department shall investigate and defend all default actions provided for in Section 11 and all actions against the Treasurer brought under section 15.

Section 5. (1) In defending any action pursuant to subsection (1) of section 4, the department may do all things and take all action on behalf of and in the name of the defendant that the defendant could do for himself. This provision is not intended to deprive the defendant of his right to employ his own counsel and defend the action.

(2) The defendant in any action in which the department has assumed the defense shall cooperate in such defense. In the event of his failure to do so, the department may apply to the court for an order directing such cooperation.

Section 6. When any person recovers a valid judgment for an amount in excess of two hundred dollars, exclusive of interest and costs, in any court of competent jurisdiction in this state, against any other person, who was the operator or owner of a motor vehicle, for injury to or death of, any person or persons or for damages to property, except property of others in charge of such operator or owner or such operator's or owner's employes, arising out of the ownership, maintenance or use of the motor vehicle in this state on or after July 1, 1955, and any amount in excess of two hundred dollars remains unpaid thereon, such judgment creditor may, upon the termination of all proceedings, including reviews and appeals in connection with such judgment,

file a verified claim in the court in which the judgment was entered and, upon ten days' written notice to the department may apply to the court for an order directing payment out of the fund, of the amount unpaid upon such judgment, which exceeds the sum of two hundred dollars and does not exceed:

(1) The maximum amount or limit of five thousand dollars, exclusive of interest and costs, on account of injury to, or death of, one person, in anyone accident, and

(2) The maximum amount or limit, subject to such limit for any one person so injured or killed, of ten thousand dollars, exclusive of interest and costs, on account of injury to, or death of, more than one person, in any one accident, and

(3) The maximum amount or limit of one thousand dollars, exclusive of interest and costs, for damage to property in any one accident.

Section 7. (1) The court shall proceed upon such application, in a summary manner, and, upon the hearing thereof, the applicant shall be required to show:

(a) He is not a person covered with respect to such injury or death by any workmen's compensation law, or the personal representative of such a person,

(b) He is not a spouse, parent or child of the judgment debtor, or the personal representative of such spouse, parent or child,

(c) He was not at the time of the accident, a guest occupant riding in a motor vehicle owned or operated by the judgment debtor and is not the personal representative of such a guest occupant,

(d) He was not at the time of the accident, operating or riding in an uninsured motor vehicle owned by him or his spouse, parent or child, and was not operating a motor vehicle in violation of an order of suspension or revocation pursuant to KRS Ch. 187,

(e) He has complied with all of the requirements of Section 3,

(f) The judgment debtor at the time of the accident was not insured under a policy of automobile liability insurance under the terms of which the insurer is liable to pay in whole or in part the amount of the judgment,

(g) He has obtained a judgment as set out in section 6 of this Act, stating the amount thereof and the amount owing thereon at the date of the application,

(h) He has caused to be issued a writ of execution upon said judgment and the sheriff or officer executing the same has made a return showing that no personal or real property of the judgment debtor, liable to be levied upon in satisfaction of the judgment, could be found or that the amount realized on the sale of them or of such of them as were found, under said execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized,

(i) He has caused the judgment debtor to make discovery under oath, pursuant to law, concerning his personal property and as to whether such judgment debtor was at the time of the accident insured under any policy or policies of insurance described in paragraph (f) of this subsection,

(j) He has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of personal or real property or other assets, liable to be sold or applied in satisfaction of the judgment,

(k) By such search he has discovered no personal or real property or other assets, liable to be sold or applied or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so sold and applied and that he has taken all necessary action and proceedings for the realization thereof and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

(l) The application is not made by, or on behalf of, any insurer by reason of the existence of a policy of insurance whereby the insurer is liable to pay, in whole or in part, the amount of

the judgment and that no part of the amount to be paid out of the fund is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of such a policy of insurance and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of such a policy of insurance, and

(m) Whether he has recovered a judgment in an action against any other person against whom he has a cause of action in respect of his damages for bodily injury or death or damage to property arising out of the accident and stating the amounts recovered upon such judgments or the amounts, if any, received for indemnity or other benefits for such injury or death or damage to property from any person other than the operator or owner of the motor vehicle causing such injury, death or damage.

(2) Whenever the applicant satisfies the court that it is not possible to comply with one or more of the requirements enumerated in paragraphs (h) and (i) of subsection (1) and that the applicant has taken all reasonable steps to collect the amount of the judgment or the unsatisfied part thereof and has been unable to collect the same, the court may dispense with the necessity for complying with such requirements.

(3) The department may appear and be heard on application and show cause why the order should not be made.

Section 8. (1) The court shall make an order directed to the Treasurer requiring him to make payment from the fund of such sum, if any, as it shall find to be payable upon said claim, pursuant to the provisions of and in accordance with the limitations contained in this Act, if the court is satisfied, upon the hearing:

(a) Of the truth of all matters required to be shown by the applicant by section 7, and

(b) That the applicant has fully pursued and exhausted all remedies available to him for recovering compensation for the damages which are the subject of the action in respect to which the judgment is given by

1. Commencing action against all persons against whom

the applicant might reasonably be considered as having a cause of action in respect of such damages and prosecuting every such action in good faith to judgment, and

2. Taking all reasonable steps available to him to collect on every judgment so obtained and all other reasonable steps available to him to recover compensation for such damages and by applying the proceeds of any judgment or recovery so obtained towards satisfaction of the amount due upon the judgment for payment of which the claim is made.

(2) Any amount for compensation or indemnity for damages or other benefits which the plaintiff has received or can collect from any person other than the judgment debtor shall be deducted, from the amount due upon the judgment for payment of which claim is made.

Section 9. (1) In any action against an operator or owner of a motor vehicle for injury to or death of any person or for damage to property arising out of the ownership, maintenance or use of said vehicle in this state on or after July 1, 1955, pending in any court of competent jurisdiction in this state, the plaintiff may, upon notice to the department, file a verified petition with the court alleging:

(a) The matters set forth in paragraphs (a), (b), (c), (d), (e) and (f) of subsection (1) of section 7;

(b) That the petition is not presented on behalf of an insurer under circumstances set forth in paragraph (1) of subsection (1) of section 7;

(c) That he has entered into an agreement with the defendant to settle all claims set forth in the complaint in said action and the amount proposed to be paid to him pursuant thereto;

(d) That said proposed settlement has been consented to by the department;

(e) That the defendant has executed and delivered to the department a verified statement of his financial condition;

(f) That a judgment against the defendant would be uncollectible; and

(g) That the defendant has undertaken in writing to repay to the Treasurer the sum that he would be required to pay under such settlement, if approved by the court, and has executed a confession of judgment in connection therewith.

(2) If the court be satisfied of the truth of the allegations in said petition and of the fairness of such proposed settlement, it may enter an order approving the same and directing the Treasurer, upon receipt of the undertaking and confession of judgment set out in paragraph (g) of this subsection, to make payment to the plaintiff of the amount agreed to be accepted.

(3) The department may settle any claim involving the payment of less than one thousand dollars, without court approval, if satisfied:

(a) That the claimant is not a person of the character described in paragraphs (a), (b), (c), (d), (e) and (f) of subsection (1) of section 7;

(b) That the settlement is not made on the behalf of an insurer under circumstances set forth in paragraph (1) of subsection (1) of section 7; and

(c) That a judgment against the owner or operator of the motor vehicle involved in the accident would be uncollectible, and if such owner or operator has consented to such settlement, executed and delivered to the department a verified statement of his financial condition and undertaken in writing to repay to the Treasurer the sum to be paid under the settlement, and executed a confession of judgment in connection therewith

(4) Any settlement made pursuant to subsection (3) shall be certified by the department to the Treasurer, who shall, upon receipt of said undertaking to repay and confession of judgment, make the required payment to claimant out of the fund.

Section 10. (1) No order shall be made for the payment, and the Treasurer shall make no payment, out of the fund, of

(a) Any claim for less than two hundred dollars.

(b) The first two hundred dollars of any judgment or of the unsatisfied portion thereof, or

(c) The unsatisfied portion of any judgment which, after deducting two hundred dollars therefrom, exceeds:

1. The maximum or limit of five thousand dollars, exclusive of interest and costs, on account of injury to, or death of, one person in any one accident, and

2. The maximum amount or limit, subject to such limit for any one person so injured or killed, of ten thousand dollars exclusive of interest and costs, on account of injury to, or death of, more than one person, in any one accident, and

3. The maximum amount or limit of one thousand dollars, exclusive of interest and costs, for damages to property in any one accident.

(2) The maximum amounts set out in paragraph (c) of subsection (1) shall be reduced by any amount received or recovered as specified in paragraph (m) of subsection (1) of section 7.

(3) Any claim which includes any sum greater than the difference between the maximum amounts set out in paragraph (c) of subsection (1) and the sum of two hundred dollars, and any amount paid out of the fund in excess of the amount so authorized may be recovered by the Treasurer in an action brought by him against the person receiving the same.

Section 11. No claim shall be allowed and ordered to be paid out of the fund if the court shall find, upon the hearing for the allowance of the claim, that it is founded upon a judgment which was entered by default unless, (1) the claimant shall have complied with the requirements of section 3, and (2) prior to the entry of such judgment the department shall have been given notice of intention to enter the judgment and file a claim thereon against the fund and shall have been afforded an opportunity to take such action as it shall deem advisable under section 12.

Section 12. (1) When the department receives notice, as provided in section 11, it may, through counsel, enter an appearance, file an answer, appear at the trial, defend the action or take such other action as it may deem appropriate on the behalf and in the name of the defendant, and take recourse to any appro-

priate method of review on behalf of, and in the name of, the defendant.

(2) In event that the time allowed for filing an answer has expired or judgment has been entered by default in any such action, the department shall be granted a reasonable time after the receipt of notice to answer or to make application for relief against the judgment and leave to answer and defend such action.

Section 13. No claim against the fund shall be allowed in any case in which the court shall find, upon the hearing for the allowance of the claim, that the judgment upon which the claim is founded was obtained by fraud, or by collusion of the plaintiff and of any defendant in the action, relating to any matter affecting the cause of action upon which such judgment is founded or the amount of damages assessed therein.

Section 14. The Treasurer shall not pay any sum from the fund, in compliance with an order made for that purpose, in any case in which the claim is founded upon a judgment, except a judgment obtained against the Treasurer under this Act, until the applicant assigns the judgment to the Treasurer and, thereupon, the Treasurer shall be deemed to have all the rights of the judgment creditor under the judgment and shall be entitled to enforce the same for the full amount thereof with interest and costs and if more money is collected upon any such judgment than the amount paid out of the fund, the Treasurer shall pay the balance, after reimbursing the fund, to the judgment creditor.

Section 15. When the death of, or personal injury to, any person arises out of the ownership, maintenance or use of a motor vehicle in this state on or after July 1, 1955, but the identity of the motor vehicle and of the operator and owner thereof cannot be ascertained or it is established that the motor vehicle was at the time said accident occurred, in the possession of some person other than the owner without the owner's consent and that the identity of such person cannot be ascertained, any qualified person who would have a cause of action against the operator or owner or both in respect to such death or personal injury for a sum in excess of two hundred dollars, exclusive of interest and costs, may, upon notice to the Treasurer and the department,

apply to the Franklin Circuit Court for an order permitting him to bring an action therefor against the Treasurer in such court, and the court may proceed upon such application, in a summary manner, and may make an order permitting the applicant to bring such an action against the Treasurer when the court is satisfied, upon the hearing of the application that:

(1) The applicant has complied with the requirements of section 3,

(2) The applicant is not a person covered with respect to such injury or death by any workmen's compensation law, or the personal representative of such a person,

(3) The applicant was not at the time of the accident operating or riding in an uninsured motor vehicle owned by him or his spouse, parent or child, and was not operating a motor vehicle in violation of an order of suspension or revocation pursuant to KRS Ch. 187,

(4) The applicant has a cause of action against the operator or owner of such motor vehicle or against the operator who was operating the motor vehicle without the consent of the owner of the motor vehicle.

(5) All reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and operator thereof and either that the identity of the motor vehicle and the owner and operator thereof cannot be established, or that the identity of the operator, who was operating the motor vehicle without the owner's consent, cannot be established, and

(6) The application is not made by or on behalf of an insurer under circumstances set forth in paragraph (1) of subsection (1) of section 7.

Section 16. When in an action for a sum in excess of two hundred dollars in respect to the death of, or personal injury to, any person, arising out of the ownership, maintenance or use of a motor vehicle in this state on or after July 1, 1955, judgment is rendered for the defendant on the sole ground that such death or personal injury was occasioned by a motor vehicle (1) the identity of which, and of the owner and operator of which, has not been established, or (2) which was in the possession of some

person other than the owner or his agent without the consent of the owner and the identity of the operator has not been established, such cause shall be stated in the judgment and the plaintiff in such action may within three months from the date of the entry of such judgment make application for authority to bring an action upon said cause of action against the Treasurer in the manner provided in section 15.

Section 17. When an action has been commenced in respect of the death or injury of any person arising out of the ownership, maintenance or use of a motor vehicle in this state on or after July 1, 1955, the plaintiff shall be entitled to make the Treasurer a party thereto if the provisions of Sections 15 or 16 shall apply in any such case, and the plaintiff has made the application and the court has entered the order provided for in section 15.

Section 18. In any action brought under sections 15 and 16 of this Act, the Treasurer may appear by counsel. He shall for all purposes of the action be deemed to be the defendant and he may generally deny the allegations of the complaint and shall not be required to set forth the facts upon which he relies and any defense shall be available to him in said action which would have been available in said action to said operator or owner or both if the action had been brought against such operator and owner or such operator, as the case may be, by their or his names or name and process in said action had been duly served within this state upon them or him.

Section 19. In any action brought against the Treasurer pursuant to an order by the court entered in accordance with the provisions of section 15, the plaintiff may file a verified petition alleging that he has entered into an agreement with the department to settle all claims set forth in the complaint in said action and the amount proposed to be paid to him pursuant thereto. If the court be satisfied of the fairness of such proposed settlement, it may enter a judgment against the Treasurer for the amount so agreed to be paid thereunder.

Section 20. A judgment against the Treasurer shall not include any amount for compensation or indemnity for damages or other benefits which the plaintiff has received, or can collect, from any person other than the operator or owner of the motor

vehicle which occasioned the personal injury or death, and the maximum amount which any such plaintiff can recover against the Treasurer shall be reduced by any such amounts aforementioned which such plaintiff has received or can collect.

Section 21. When judgment is obtained against the Treasurer in an action brought under this Act, upon the determination of all proceedings including appeals and reviews, the court shall make an order, subject to the limitations of section 10, directed to the Treasurer directing him to pay out of the fund to the plaintiff in the action the amount to which he is entitled.

Section 22. When judgment has been obtained against the Treasurer in an action brought under this Act, the Treasurer shall, upon payment from the fund of the amount of the judgment to the extent provided in this Act, be subrogated to the cause of action of the judgment creditor against the operator and owner of the motor vehicle by which the accident was occasioned and shall be entitled to bring an action against either or both of such persons for the amount of the damage sustained by the judgment creditor when and in the event that the identity of either or both of such persons shall be established, and shall be entitled to recover the same out of any funds which would be payable in respect to the death or injury under any policy of insurance, which was in force, at the time of the accident and in event that more is recovered and collected in any such action than the amount paid out of the fund by reason of the judgment, the Treasurer shall pay the balance, after reimbursing the fund, to the judgment creditor.

Section 23. The Treasurer shall give notice to the department of the entry of any judgment obtained by him or any judgment upon which a claim is made against the fund under this Act, and of the payment of any such judgment.

Section 24. (1) Where the license or privileges of any person, or the registration of a motor vehicle registered in his name, has been suspended or cancelled under KRS Ch. 187, and the Treasurer has paid from the fund any amount in settlement of a claim or towards satisfaction of a judgment against that person, the cancellation or suspension shall not be removed, nor the license, privileges, or registration, restored, nor shall any new li-

cense or privilege be issued or granted to, or registration be permitted to be made by, that person until he has:

(a) Repaid in full to the Treasurer the amount so paid by him together with interest thereon at four percent per annum from the date of such payment; and

(b) Satisfied all requirements of KRS Ch. 187 in respect of giving proof of ability to respond in damages for future accidents, provided, that the court in which such judgment was rendered may, upon ten days' notice to the department, make an order permitting payment of the amount of such person's indebtedness to the fund, to be made in installments, and in such case, such person's driver's license, or his driving privilege, or registration certificate, if the same have been suspended or revoked, or have expired, may be restored or renewed and shall remain in effect unless and until such person defaults in making any installment payment specified in such order. In the event of any such default, the department shall upon notice of such default suspend such person's driver's license, or driving privileges or registration certificate until the amount of his indebtedness to the fund has been paid in full.

(2) A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this Act.

Section 25. All sums received by the Treasurer pursuant to any of the provisions of this Act shall become part of the fund, and shall be held by the Treasurer in trust for the carrying out of the purpose of this Act and for the payment of the cost of administering this Act. Said fund may be invested and reinvested in the same manner as other state funds and shall be disbursed according to the order of the Treasurer, as custodian of the fund.

Section 26. Any person and any agent or servant of such person, who knowingly files with the fund, department or Treasurer, any notice, statement or other document required under this Act, which is false or untrue or contains any material misstatement of fact shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars, or imprisonment for not more than thirty days, or both.

Section 27. Section 2 of this Act shall become effective July

1, 1954. All other provisions of this Act shall become effective July 1, 1955.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 84. AN ACT relating to length of validity of recorded chattel mortgages, and amending section 382.720 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person engaged in the business of selling, repairing, or furnishing accessories, or supplies for any kind of equipment or machinery, including motors, shall have a lien on the equipment, machine, machinery, or motor, for the reasonable or agreed charges for repairs, work done, accessories, parts, and supplies furnished for the equipment, machine, machinery, or motor until the reasonable or agreed charge therefor has been paid. The lien shall not be lost by the removal of the equipment, machine, machinery or motor from the premises of the person performing labor, repairing, or furnishing accessories, parts or supplies therefor, if the lien shall be asserted within three months by filing in the office of the County Clerk a statement showing the amount and cost of materials furnished or labor performed on the equipment, machine, machinery, or motor. This statement shall be filed in the office of the County Court Clerk of the county in which the owner of the equipment, machine, machinery, or motor resides, unless such owner be a non-resident, in which event the lien statement shall be filed in the office of the County Court Clerk of the county in which such equipment, machine, machinery, or motor is at the time beink kept or used.

The lien provided for in this Act shall attach regardless of whether or not the equipment, machine, machinery, motor, or motors, are ever upon the premises of or in the possession of the person making the repairs, furnishing the parts, or the supplies for such repairs.

Section 2. The lien statement referred to in Section 1 of

this Act shall be construed to mean a statement in writing in which is stated the amount due the claimant, with all just credits and set-offs known to him, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it and the name of the owner. This statement shall be subscribed and sworn to by the person claiming the lien or by someone in his behalf.

The County Court Clerk shall endorse upon each statement the date of its filing, and shall make an abstract of the statement in a book to be kept by him for that purpose, properly endorsed and indexed, containing the date of filing, the name of the person seeking to enforce the lien, the amount claimed, the name of the person against whose property the lien is filed, and a description of the property charged with the lien. The Clerk shall receive one dollar ($1) from the person filing the statement as full compensation, which shall be taxed and collected as other costs.

Section 3. The lien shall not take precedence over a mortgage or bona fide sale and delivery for value without notice, unless the person claiming the prior lien shall, before the recording of the mortgage, or before sale and delivery, file in the office of the Clerk of the County Court a statement showing that he has furnished or expects to furnish labor, or materials, or parts, or supplies, and the amount in full thereof. The lien shall not, as against the holder of a mortgage, or a purchaser for value, exceed the amount of the lien claimed, as set forth in the statement. The statement shall in all other respects be in the form hereinabove in this Act provided.

Section 4. Any equipment, machine, machinery, motor or motors remaining in the possession of a person who has made repairs, furnished parts, performed labor, or furnished accessories or supplies for the equipment, machine, machinery, motor, or motors, for more than thirty (30) days, may be sold to pay the charges. The proposed sale shall be advertised for at least three times in three separate weeks before the sale is made, in some newspaper of general circulation in the city or county where the materials, etc., were furnished or the labor performed. The owner of the equipment, machine, machinery, motor or motors,

shall be served with written notice of such proposed sale at last two weeks before the date of such sale. The notice may be in writing addressed to the owner at his last known address and sent by registered United States mail, postage prepaid. Such written notice may be served upon the owner in any other mode generally recognized by the laws and practice before courts in this state.

Mr. Breathitt moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Wathen moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	W. Marvin Davis
Walter J. Bailey	Edward O. Bridgers	John L. Day
John Rhea Banton	John Young Brown	Albert Dempsey
Clarence J. Barnum	Charles W. Buchanan	James A. Dressman, Jr.
Charles E. Baumgardner, Sr.	Harry M. Caudill	Harold Edmonds
Owen Billington	Paul Cobb	Addison L. Everett
Leo A. Bleemel	R. Josh Cosby	Herbert Fern
J. C. Bradley	Vernor O. Cottengim	Thomas P. Fitzpatrick

Cabell D. Francis	Damon Majors	Joe Rouse
W. L. Hadden	William C. Mann	Cecil C. Sanders
C. Ruby Harralson	Carl D. Melton	W. R. Smith
Harold G. Helm	Alton B. Mitchell	Mrs. Thelma L. Stovall
David Heskamp	Robert K. Montgomery	E. H. Stumbo
Henry R. Heyburn	Walter R. Moorman	Eulick Walsh
Lon C. Hill	Fred Morgan	Will Tom Wathen
Estill R. Hilton	Eddie J. Morris	W. W. Webster
Chester J. Holsclaw	Thomas J. Murphy	Morris Weintraub
Varna Holt	Goebel W. Newsom, Jr.	Mrs. Randolph Wilson
William M. Horn	Louis T. Peniston	Charles W. Wirsch
William L. Jones	Paul T. Ratcliffe	Walker H. Wiseman
Talmage Lacy	Jack Raybourne, Jr.	Dr. Clyde D. Wooton
George H. Lovelace	Robert Reid	Paul E. Young
Shelby McCallum		
Ralph E. McClanahan		

—68

Those who voted in the negative were—

J. Murray Blue	Caleb McFadden	LeRoy Saylor
Jennings H. Kearby	George R. Martin	C. Waitman Taylor
James W. Lambert		

—7

Resolved that the title thereof be as aforesaid.

Mr. Breathitt moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 297. AN ACT relating to public improvement, amending KRS 94.297.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 94.297 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 94.298 and 94.299, the city legislative body, in the original ordinance providing for the making of any public improvement, shall provide that the improvemnt be made at the exclusive cost of the owners of benefited property, as defined in KRS 94.301, or shall have the alternative of providing that the city shall pay a specified part of the cost and the owners of benefited property shall pay the balance.

(2) Benefited property owned by the county or any other governmental agency or unit, except a school district, shall be assessed the same as private property, and the amount of the assessment shall be paid by the county or other governmental agency or unit, as the case may be. The same right of action for collection of the assessment shall lie against the county as is provided against any other abutting property owner.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Clarence J. Barnum	Leo A. Bleemel
Walter J. Bailey	Charles E. Baumgardner, Sr.	J. C. Bradley
John Rhea Banton	Owen Billington	Edward T. Breathitt, Jr.

Edward O. Bridgers	Estill R. Hilton	Louis T. Peniston
Harry M. Caudill	Chester J. Holsclaw	Paul T. Ratcliffe
R. Josh Cosby	William M. Horn	Jack Raybourne, Jr.
Vernor O. Cottengim	Talmage Lacy	Robert Reid
James A. Dress-man, Jr.	James W. Lambert	Joe Rouse
	Harry King Lowman	William A. Routh
Harold Edmonds	Shelby McCallum	Cecil C. Sanders
Addison L. Everett	Damon Majors	W. R. Smith
Herbert Fern	William C. Mann	E. H. Stumbo
Thomas P. Fitz-patrick	George R. Martin	C. Waitman Taylor
	Alton B. Mitchell	Eulick Walsh
Cabell D. Francis	Robert K. Mont-gomery	W. W. Webster
W. L. Hadden		Dr. Clyde D. Wooton
C. Ruby Harralson	Goebel W. New-som, Jr.	Paul E. Young
David Heskamp		
Lon C. Hill		—50

Those who voted in the negative were—

J. Murray Blue	Albert Dempsey	Eddie J. Morris
Charles W. Buchanan	Caleb McFadden	James Treadway
	Carl D. Melton	Charles W. Wirsch
W. Marvin Davis		—9

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Clerk announced the appointment of the following members of the Rules Committee, viz:

Bailey, Walter J.	Burnley, Charles W., Chairman
Banton, John Rhea	Caudill, Harry M.
Baumgardner, Charles E., Sr.	Dowell, C. E.
Bleemel, Leo A.	Edmonds, Harold
Bradley, J. C.	Fitzpatrick, Thomas P.
Bridgers, Edward O.	Harris, George F.
Brown, John Young	Hilton, Estill R.

Holsclaw, Chester J.
Horn, William M.
Jones, William L.
Lambert, James W.
Lowman, Harry King
McCallum, Shelby
Majors, Damon
Mitchell, Alton B.
Moorman, Walter R.
Morgan, Fred H.
Ockerman, Foster
Peniston, Louis T.
Pollitte, Edward D.
Rayburn, Hobart
Reynolds, Russell
Stovall, Mrs. Thelma L.
Taylor, C. Waitman
Walsh, Eulick
Wathen, Will Tom
Webster, W. W.
Weintraub, Morris
Wells, William B.
Winstead, T. D.

Mr. Lowman moved that the House adjourn until 1:00 P. M. Wednesday, March 3, 1954.

Said motion was agreed to.

And the House did then adjourn.

WEDNESDAY, MARCH 3, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names. viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick

Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker
—88

Mr. Lowman moved that the reading of the Journal of the proceedings of Tuesday, March 2, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Weintraub.

H. B. No. 478. AN ACT relating to Rules of the House of Representatives of the General Assembly of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the procedure for operation for the House of Representatives of the General Assembly of the Commonwealth of Kentucky, or any Rules which said House may adopt, shall, among other things, contain the following provisions:

Section 1. COMMITTEE ON COMMITTEES AND CONTROL, STANDING COMMITTEES, APPOINTMENT AND TIMES AND PLACES OF MEETING.

(a) There shall be a "Committee on Committees and Control" which shall be the permanent standing Committee of the House of Representatives, and shall meet at such time or times as is necessary for the prompt dispatch of such business as may come before it. It shall meet upon call of the Speaker of the House or upon the written request of Twenty-four (24) Members thereof filed with the Speaker and the Clerk of the House.

(b) Said "Committee on Committees and Control" shall be composed of sixteen (16) members of the House, plus the Speaker, the Majority Floor Leader and the Minority Floor Leader. The Speaker shall have no vote except in the case of a tie. He shall be chairman of the Committee on Committees and Control. Said members shall be selected two (2) each from each Congressional District at separate meetings to be held by the Representatives elected from Districts comprising each Congressional District immediately, but not later than three (3) legislative days, after the adoption of these rules, and the results shall be certified to the Speaker and the Clerk of the House.

(c) Said "Committee on Committees and Control" shall, within three legislative days after its election, meet and select and appoint the duly elected members of the House of Representatives to the various committees. It shall, five (5) legislative days prior to the end of a Regular or Special Session take charge of and control all bills to be considered by the House during said last five (5) legislative days, and it will control what bills shall be considered during that time, and the order in which they shall be taken up and considered. All other standing committees shall be deemed discharged when the Committee on Committees and Control assumes such control and all bills in all respective committees shall become the property of the Committee on Committees and Control.

(d) In addition to the "Committee on Committees and Controls", the Committees hereinafter named shall be and constitute the standing Committees of the House of Representatives. Each Committee shall be composed of not less than Sixteen (16) Members, and not more than Twenty-one (21) Members, excluding the Speaker, the Majority Floor Leader and the Minority Floor Leader who shall be members ex-officio of each and every Committee; provided, however, the Speaker shall cast a vote only in case of a tie.

(e) In the appointment or selection of the members to each Committee, the "Committee on Committees and Control" shall take into consideration the qualifications, background and experience of each member of the House and shall appoint each member to such Committee and Committees as his or her qualifications, background and experience best fits. Every effort shall be made to appoint members to committees which meet on different regular dates and times. Each committee shall consist of members of the different political parties represented in the House, and, as nearly as possible, in the same proportion as elected to the House. At least two members shall be placed on each Committee from each of the eight (8) Congressional Districts. In those cases, where because of the inability to properly carry into effect the proper ratio, or where because a particular area requires additional representation on any committee because of the special nature of the subject matter to come before the Committee as it applies particularly to that area, the "Committee on Committees and Control" is privileged to select and appoint from at large and/or from the area most affected, up to five (5) additional members. This will tend to preserve the proper ratio and give adequate representation to the areas most affected by the subject matter to be handled by the Committee.

(f) Each member of the House, excluding the Speaker, the Majority Floor Leader, and the Minority Floor Leader, shall be appointed to not less than three nor more than four Committees.

(g) Said Committees and their meeting time and places are as follows, and no Committee except any Conference Com-

mittee shall sit or meet during the Session of the House of Representatives or Committee of the Whole, without the special permission first obtained from the House of Representatives:

Committees	Meeting Time Each Week	Room No.
AGRICULTURE AND STATE FAIR	Monday, 1:00 p.m.	1
APPROPRIATIONS	Monday, 1:00 p.m.	2
BUSINESS REGULATIONS	Monday, 1:00 p.m.	3
EDUCATION	Tuesday, 9:30 a.m.	1
JUDICIARY, CODES AND PRACTICE	Tuesday, 9:30 a.m.	2
HIGHWAYS AND MOTOR TRANSPORTATION	Tuesday, 9:30 a.m.	3
LABOR	Wednesday, 9:30 a.m.	1
COUNTY, MUNICIPAL & LOCAL GOVERNMENT	Wednesday, 9:30 a.m.	2
PUBLIC UTILITIES & RAILROADS	Wednesday, 9:30 a.m.	3
NATURAL RESOURCES & CONSERVATION	Thursday, 9:30 a.m.	1
REVENUE & TAXATION	Thursday, 9:30 a.m.	2
SUFFRAGE & ELECTIONS	Thursday, 9:30 a.m.	3
MILITARY AFFAIRS, VETERANS & CIVIL DEFENSE	Friday, 9:30 a.m.	1
WELFARE, HEALTH & SOCIAL SECURITY	Friday, 9:30 a.m.	2
EXECUTIVE & LEGISLATIVE AFFAIRS	Friday, 9:30 a.m.	3

(h) Committee meetings must be held at the time and hour designated and in the Committee meeting room assigned to it, and shall be held at no other place, except upon the ap-

proval of the House first obtained. The Speaker, the Majority Floor Leader and the Minority Floor Leader shall be charged with the duty of securing suitable Committee rooms. The Clerk and Sergeant-at-Arms shall see that Committee rooms are properly designated and equipped.

(i) The Clerk shall cause the lists of all Committees, their full and complete membership, the days and respective hours of meeting, and the meeting room for each committee, to be printed daily in the Digest.

Section 2. MANNER OF REFERENCE OF BILLS TO COMMITTEES:

(a) The Speaker must, no later than the end of the legislative day following the introduction of a bill, refer same to a committee, which must be the committee charged with the consideration of the subject matter of said bill. It shall then be ordered printed.

Section 3. DUTIES AND POWERS OF COMMITTEES:

(a) Each Committee shall meet at the regular meeting time and place designated for it. Immediately upon adoption of these Rules each Committee shall meet and a Chairman, Vice-Chairman and Secretary shall be elected by a majority of the committee members present. The Vice-Chairman shall act in the absence of the Chairman. In the event of absence of both the Chairman and Vice-Chairman at any meeting, the members present shall select a temporary Chairman who shall serve for that meeting. The Secretary shall keep minutes and records of the meetings and shall cause same to be reduced to writing, and same shall be subject to inspection by any member of the House. The "Committee on Committees and Control shall assign to each committee a designated person, who shall be competent and qualified to take shorthand, transcribe same on the typewriter, and perform such other stenographic and clerical duties as may be required by the Chairman, the Secretary or the Committee itself. The person so appointed may serve for more than one Committee. He or she shall keep a regular agenda of all bills and business to come before each Committee he or she is designated to serve. He or she shall receive a salary to be fixed

by the House, and to be paid by the Clerk of the House out of the funds in his hands.

(b) It is the intention of the House that as few as possible special meetings of the various committees be held, but where it is deemed necessary for the interest and welfare of pending legislation that a special committee meeting be called, notice thereof and of the bill or bills to be considered must be given at least two full legislative days prior to the special meeting and said notice shall be announced by the Chairman at motion hour and a written memorandum thereof shall be delivered by the Chairman to the Clerk of the House, who shall cause same to be printed and carried in the Legislative Digest, up to and including the day of the special meeting. A special meeting may be called by either the Chairman, a majority of the members of each committee, or at the joint request of the Speaker, Majority and Minority Leaders.

(c) Each committee, so long as it has bills referred to it, must hold regular weekly meetings at the time set opposite each committee, and in the meeting room assigned to it. All meetings shall be open to the public; except that the Committee may go into private session when it considers a vote on any bill, should a majority present so desire.

(d) When a bill or resolution is referred to a Committee, that Committee must proceed to consider it at its next regular meeting, or at a special meeting, if one be called. The Chairman shall submit the bill or resolution to the consideration of his Committee, and upon his failure to do so, same may be called up by any member of the Committee or by its sponsor. A majority of the Committee shall be present before a bill may be considered (in determining this majority, the Speaker, Majority Leader and Minority Floor Leader shall not be counted). A committee in reporting a bill to the House shall make its report in writing, and such a report need only be signed by the Chairman and attested to by the Clerk of the Committee which shall only be evidence of the action taken by the Committee, and which does not necessarily reflect or indicate the vote of said Chairman or Clerk in said Committee Meeting. No bill shall be considered or acted upon by a Committee, except by action in a Committee Room.

(e) Bills may only be reported "Favorably" or "Unfavorably" by any Committee. No other form of report is allowed.

(f) The Clerk of the House shall keep a record showing to what committee each bill or resolution has been referred and the date of such reference, together with the date of its return to the House. The records shall also show the date the committee first received the bill and when the same was finally reported by the committee to the House.

The report or recommendation of the committee which considered the bill, together with a minority report, if one be made, shall also be entered upon said record under one of the following expressions:

"Favorably Reported"

"Favorably Reported, Accompanied by a Minority Report"

"Unfavorably Reported"

"Unfavorably Reported, Accompanied by a Minority Report."

Upon the call of standing committees by the Clerk, the Chairman or ranking member thereof shall disclose the disposition of the matter or matters submitted to their respective committees in the following manner:

"Mr. Speaker, the Committee on _____ (naming the committee), to which was submitted _____) Senate or House bill or resolution, naming the same and giving the number thereof), reports as follows:

"Unfavorably Reported" or

"Favorably Reports or

"Favorably Reported, Accompanied by a Minority Report" or

"Unfavorably Reported, Accompanied by a Minority Report."

A minority report must be signed by those members who have dissented from the committee's report and it shall be in order to move the adoption of the minority report as a substitute

for the committee's report when the committee offers its report. However, it shall require a majority of the members present to adopt same; but it shall always be required that the committee's report be read before the minority report is read.

(g) Each Committee shall, pursuant to Section 39 of the Constitution of the Commonwealth of Kentucky, have the power and authority to compel the attendance of persons as witnesses before it, or to compel the production of any and all papers proper to be used in evidence at a hearing, or to compel testimony concerning any matter which may be, and is, a proper subject of inquiry by the General Assembly or such Committee. A subpoena shall be signed by the Chairman, and attested by the Clerk, and shall be delivered to any Sheriff, Constable, Peace Officer, or to the Sergeant-at-Arms of the House for service. The Clerk shall pay the costs of serving same out of the funds in his hands. Upon the failure of any person to comply with an order of any Committee, such fact shall be reported to the House, and such person shall be proceeded against and punished for contempt.

Section 4. PROCEDURE ON BILLS REPORTED OR HELD:

(a) Upon the favorable report of a bill or resolution by a Committee, the Clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the journal.

(b) Upon the unfavorable report of a bill or resolution, said bill or resolution shall not be entitled to a reading unless it is ordered by a majority vote of the members elected.

(c) A bill or resolution remaining in the hands of a Committee for longer than two regular meeting periods of that Committee after same has been referred to it, unless the time be extended by a two-thirds (2/3) vote of the House membership present, may be called up by any member and read into the calendar by a majority vote of the members present; except that same shall not apply if said period extends into the last five (5) Legislative days of the Session.

(d) When a bill or resolution unfavorably reported or not

reported within proper time is called up for the purpose of being read into the calendar, no debate shall be allowed, except that the sponsor, or any one indicated by him, shall have fifteen (15) minutes in which to explain same, and the opposition shall have a like time to oppose it. Each side may divide their time as they deem fit.

(e) Bills or resolutions unfavorably reported or not reported within proper time by a Committee may only be considered for the purpose of being read into the calendar at the time the report is made, or at motion hour. If a bill or resolution be ordered read, it shall then be read at length for the first time, and placed in the calendar until the next succeeding day, when it shall be given its second reading.

Section 5. ORDER OF VOTING ON BILLS:

(a) Bills and resolutions, not re-committed, shall be voted upon in the precise order in which they are given their first reading and placed into the calendar, unless the sponsor of the bill or resolution waives the position of same, in which event it will be placed at the end of the list of bills or resolutions then up for passage; or, if requested, make a special order of business by a majority vote of the members present.

(b) No bill, or committee substitute, shall be voted upon unless and until same has been printed and placed in the hands of the members of the House for at least seven (7) full legislative days prior to the calling of same for passage, except during the last ten (10) days of a session when this time shall be reduced to one day.

(c) Bills shall be printed and distributed in the order in which introduced. The Clerk of the House is hereby charged with the enforcement of this rule.

Section 6. CALENDAR:

When a bill or resolution has had its first reading, it shall be placed by the Clerk on a calendar to be kept by him, and said calendar shall be separate from the bills or resolutions in the Orders of the Day.

Section 7. ORDERS OF THE DAY:

(a) When a bill or resolution has been read a second time, it shall be placed in the Orders of the Day or re-committed, and when next reached in the House, it shall be ready for amendment, re-committment, or debate, or to be read a third time, and placed upon its passage. A bill or resolution may be recommitted at any time before final passage.

(b) No House bill shall be placed upon its final passage during the last two days of the Session, except bills in possession of Conference Committees, Senate Bills, or House Bills which have been amended by the Senate.

Section 8. REPORT ON ENROLLED BILLS:

The Committee on Legislative Procedure and Administration shall designate one of its members to report on enrolled bills, and such member and the Clerk of the Senate may report at any time, except during debate and Roll Call. The designation of such member shall be reported to the House and spread on the Journal. An alternate member shall be designated at the same time, and he shall act only in case of absence of the regularly designated member.

Section 9. PREVIOUS QUESTION.

Having in mind that mature consideration and debate is the essence of democracy, and that the House of Representatives represents the free people of Kentucky, the "previous question" shall not be ordered by the Speaker of the House, until the Speaker is of the opinion that adequate time and opportunity has been afforded the elected members to express their views and opinions and offer amendments.

When such time and opportunity has elapsed, the "previous question" can then be made and ordered, and when so made and ordered, a vote shall be taken immediately upon the pending measure and such pending amendments as may have been offered up to that time.

The effect of the "previous question" shall be to put to an end all debate; to prevent the offering of additional amendments,

and to bring the House to an immediate vote upon the measure and amendments aforesaid.

The "previous question" shall be ordered by a majority of the House membership present. On the roll call, no member shall be allowed to explain his vote; however, after the "previous question" has been carried, and before the vote on the main question, the opponents of the measure shall have 30 minutes and the proponents of the measure shall have 30 minutes, unless the House, by a majority vote of those present, extends the time.

By Mr. Saylor.

H. B. No. 479. AN ACT providing for telephone expenses for Justices of the Peace.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding any other statutory provisions, each justice of the peace shall receive from the county levy a telephone expense allowance not to exceed ten dollars per month.

By Mr. Newsom.

H. B. No. 480. AN ACT relating to encroachments on state-maintained highway rights-of-way, and providing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall erect or maintain any building, fence, advertising sign or other structure or sign, on, over or under any portion of the right-of-way of any state maintained highway, nor display or store any goods, wares, merchandise or other items of property thereon, except the following:

(1) Official signs of the Department of Highways.

(2) Official signs or advertising devices of other state or local governmental agencies approved by the Commissioner of Highways.

(3) Signs erected with the approval of the Commissioner of Highways by Red Cross authorities relating to Red Cross Emergency Stations.

Section 2. Any building, fence, advertising sign or other structure or sign erected or maintained, or any goods, wares, merchandise or other items of property stored or displayed in violation of the provisions of this Act, shall be deemed and considered to be public nuisances and may be summarily removed, without notice, by the Commissioner of Highways or by an employe of the Department of Highways, acting under his general direction, and may be disposed of in such manner as is deemed proper by such official or employe. The offender shall be liable for the cost of removal. Provided however, that nothing in this Act shall operate to prevent the temporary use of such rights of way in cases of emergencies.

Section 3. No adjacent landowner, lessee or occupant shall construct or cause to be constructed any driveway or entrance onto any state maintained road without having first secured a permit from the Department of Highways so to do. Such permits shall be issued in accordance with the rules and regulations of the Department of Highways and shall describe in detail the location, type and design of construction with due reference to the local drainage needs and the safety of the traveling public. Any such entrance or structure constructed without a permit shall be removed or changed at the direction of the Department at the constructor's expense.

Section 4. Any person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be fined not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00). Each day during which such violation is continued, after written notice has been given offender by the Department of Highways or its District Engineer for the District in which the offense is committed, shall constitute a separate offense.

By Mr. Fitzpatrick.

H. B. No. 481. AN ACT providing for a tax on greyhound racing and providing how said tax shall be levied and collected and providing the means and method of levying and collecting same and providing penalties for the violation thereof; etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any corporation formed for the purpose of racing or breeding of greyhounds and conducting races and contests of speed shall have the power and right, subject to the provisions of this Act, to hold one or more race meetings in each year and to hold, maintain and conduct races at such meetings. At such meetings the corporation or the owners of greyhounds engaged in such races or others who are not participants in the racing may contribute purses, prizes, premiums or stakes to be contested for; but no person or persons other than the owner or owners of greyhounds contesting in a race shall have any pecuniary interest in a prize, purse, premium or stake contested for in such race, or be entitled to, or receive any portion thereof, after such race shall have been finished; and the whole of such purse, prize or premium or stake shall be allotted in accordance with the terms and conditions of such race.

(2) Such meetings shall be held during the period extending from the first day of May to the first day of November, except in counties having horse racing said meetings shall not be held during a horse race meeting. Said races shall be held between the hours of 7 a. m. and 12 p. m., and no racing shall be permitted on Sunday. No minor shall be permitted to attend said races.

Section 2. (1) A Greyhound Racing Commission is hereby established to consist of three persons to be appointed by the Governor. The members of said commission shall hold their offices for a term of four years and the first commission shall be appointed within twenty days after this Act shall go into effect. The Governor will appoint a secretary for said commission who shall act for a period of two years whose duty it shall be to keep a full and faithful record of its proceedings and preserve at its general office all books, maps, documents and papers intrusted to its care and who shall perform such other duties as the commission may prescribe. He shall be paid a salary to be fixed by the commission at a rate not exceeding four thousand dollars per annum, which shall be paid by the several racing corporations or associations conducting racing in this Commonwealth.

(2) The commission shall bi-annually make a full report to the General Assembly of its proceedings for the two year period ending with the first day of December preceding the meeting of the General Assembly and shall embody therein such suggestions and recommendations as it shall deem proper.

Section 3. (1) Said commission shall have the power to prescribe appropriate rules, regulations and conditions under which greyhound racing shall be conducted in this Commonwealth, and no such races shall be conducted except by a corporation or association duly permitted and licensed by such commission as herein provided.

(2) Any corporation or association desiring to conduct such racing may apply for a permit so to do. If, in the judgment of the commission, a proper case for the issuance of such permit is shown, it may grant the same to the applicant and such permit shall contain the condition that all races or race meetings conducted thereunder shall be subject to the rules, regulations and conditions from time to time prescribed by the commission and shall be revocable by the commission for any violation thereof or whenever the permittee shall be found guilty of conduct not conducive to the best interests of legitimate greyhound racing.

(3) After a permit has been granted and issued to such applicant, the permittee shall have the right to have a license issued to it annually to conduct greyhound racing at its race track during the greyhound racing seasons of subsequent years unless greyhound racing in the county of the permittee's race track shall have been disapproved by a referendum election held as herein provided. But if a permit is revoked or a subsequent annual license is refused, revoked or suspended to any permittee by said commission, it shall publicly state its reasons for so doing and said reasons shall be written in full in the minute book of said commission, which shall at all times be subject to inspection upon application of any person desiring so to do.

(4) Said finding of the commission revoking such permit or refusing, revoking or suspending such annual license shall be subject to review by a court of competent jurisdiction; provided always that the commission shall not grant or issue any permit

to any applicant to conduct greyhound racing within fifty miles from any greyhound race track of any permit holder.

Section 4. Race meetings, at which racing shall be permitted for any stake, purse or reward except as allowed by this Act, are hereby declared to be public nuisances and any person acting or aiding therein shall be deemed guilty of a misdemeanor and punished by a fine of not less than $500 nor more than $1,000 for each day of such meeting or racing and in addition thereto, in a suit brought for the purpose by the Greyhound Racing Commission in the Circuit Court of the county where it may be proposed to conduct such unauthorized racing, an injunction may be obtained against the operation of said race meeting.

Section 5. (1) At the time of making application for a permit, the applicant shall deposit with the commission a cash bond, certified check or bank draft payable to the order of the commission in an amount equal to one hundred dollars for each day excluding Sundays, petitioned for in said application. At the close of the last day of the greyhound racing meeting for which a permit has been issued as provided for in Section 6 of this Act, the commission shall refund to such permit holder the sum of one hundred dollars for each racing day the permit holder paid the commission the tax due for said day as provided for and at the rate stipulated by this Act; provided, however, if such permit holder has not paid to the commission the expenses and compensation of representatives assigned to his or its track as provided for in this Act, the commission is authorized and directed to withhold such refund until the same has been paid.

(2) In the event, any full day's racing is declared off by the judges on account of inclement weather, muddy track, or any essential part of said racing plant has been rendered unusable by fire, wind, riot or explosion or other cause, the commission shall refund to the permit holders the sum of one hundred dollars of their deposit for each day.

Section 6. (1) Upon the filing of an application accompanied by a permit fee or a cash bond, certified check or bank draft as herein provided by any person, association, trust or corporation not in default of payment of any obligation due to the Commonwealth of Kentucky under the provisions of this

Act, the commission may issue a permit to such applicant to hold or conduct greyhound racing as authorized in this Act.

(2) Such permit shall specify the person, association, trust or corporation to whom the same is issued, the dates upon which such greyhound racing meetings are to be held or conducted, the hours of such dates between which such greyhound racing shall be permitted, the location of the place, track or enclosure which such greyhound racing meeting is to be held or conducted and shall in writing, evidence the receipt of the payment of the permit fee and the deposit of the cash bond, certified check or bank draft by applicant, and if such permit is issued to such applicant it shall contain a condition that all greyhound racing meetings conducted therein, shall be subject to the rules and regulations of the commission as then existing or as may be from time to time prescribed and promulgated by said commission.

(3) The commission may refuse to award dates or to issue a permit to any applicant if a permit has been previously issued to said applicant and revoked under the authority of this Act or for any cause by it deemed sufficient. Such permit may be suspended, diminished or revoked by the commission for any violation of this Act or of any rule of the commission made under authority of this Act, provided five days written notice is mailed by registered mail to the permit holder which notice shall specify the charges, the time and place of hearing thereon at which hearing the permit holder shall be given the opportunity of presenting evidence and being represented by counsel and the commission shall immediately enter upon its record of proceedings a memorandum of its action in such suspension, diminution or revocation and its reasons therefore. Such permit shall be non-transferable and shall apply only to the place, track or enclosure specified in the permit.

Section 7. (1) Any person, association, trust or corporation holding a permit to conduct a greyhound racing meeting, may provide a place or places in the racing grounds or enclosure at which they or it may conduct and supervise the combination, French pools, or certificate system of wagering by patrons of legal age on the greyhound races conducted by such permit holder at such meeting.

(2) Such combination, or French pool or certificate method of wagering upon greyhound races held at or within such race track and at the time of such greyhound racing meeting shall not be held or construed to be unlawful the Statutes of the Commonwealth of Kentucky, to the contrary notwithstanding, and any law in conflict therewith is hereby repealed.

(3) No other place except that provided and designated by the permit holder or any method of betting or wagering except the combination or French pools or certificate system shall be used or permitted by the permit holder in which the combination or French pools or certificate system of wagering be conducted by the permit holder on any greyhound races except the races at the race tracks grounds or enclosure for which the person, association, trust or corporation holds a permit.

(4) Each permit holder may retain as commission, not to exceed fifteen percent of the total of all money wagered each day. The permit holder may also retain the odd cents of all redistributions to be made on all compensation or French pools or certificate system, contributions exceeding a sum equal to the next lowest multiple of ten cents. At the close of each racing day, the permit holder shall pay to the commission as a tax, three percent of the total of all money wagered each day. In addition to the aforesaid taxes, each person, association, or corporation authorized to conduct race meetings under this Act shall pay to said commission fifteen percent of all moneys received each day for admissions by persons attending said races. Said payment shall be accompanied by a report under oath showing the total of all said contributions and admissions on the races covered by such report and such other information as said commission may require.

(5) If any free passes or complimentary admission cards shall be issued to guests by any licensee, the licensee of such track shall pay to the commission the same tax upon such complimentary admission cards as if same were sold at the regular and usual rate; but nothing herein shall be construed to prevent the issuance of tax free passes to officials and accredited newspaper men and actual employes of the licensee or other person engaged actually in working at such race track, provided, however, that

the issuance of all such tax-free passes shall be under the regulation or orders of the commission and a list of all officers and employes shall be filed with the commission.

(6) The tax herein imposed shall be in lieu of all license excise or occupational taxes to the Commonwealth of Kentucky, or any county, town or political subdivision thereof, except that when any racing meeting is held or conducted in any incorporated city or town, such city and town shall have right to assess and collect an additional tax against any person, firm, association or corporation conducting greyhound racing within its corporate limits not to exceed Seventy-Five Dollars per day.

Section 8. All moneys collected from the three percent commission as above referred to and all moneys collected from the sale of admission tickets as above referred to, shall be paid by the commission to the State Treasurer of the Commonwealth and said moneys when paid to the State Treasurer shall be allocated to and used for the general fund.

Section 9. At least eight-five percent of all persons connected with any race track authorized under this Act, including gatekeepers, announcers and ushers shall be qualified electors of this Commonwealth, provided, that this section shall not apply to owners and trainers of racing greyhounds.

Section 10. (1) After any corporation or association duly licensed by this commission has been operating greyhound racing in any county for a period of sixty days if the citizens of said county are dissatisfied with greyhound racing in said county, an election or referendum may be ordered by the legal voters of said county in number equal to twenty-five percent of the votes cast therein at the last preceding election provided said number of voters shall sign a petition to that effect in the office and in the presence of the county clerk of said county, who shall at the time said petition is signed determine whether said signer or signers are qualified voters of said county.

(2) After the requisite number of voters have signed said petition, the county clerk shall certify these facts to the county judge, whose duty it shall be at the next regular term thereof, after receiving said petitions to make an order in his order book directing an election to be held in such county, to be effected

thereby on some day named in said petition, no earlier than sixty days after said application is lodged with the judge of said court, which order shall direct the sheriff or court officer of said county who may be appointed to hold said election, to open a poll at each and all of the voting places in such county, city, town, district or precinct on said date for the purpose of taking the sense of the legal voters of such county who are qualified to vote at elections for county officers upon the proposition whether or not greyhound racing shall be conducted in said county.

Section 11. (1) It shall be the duty of the county clerk to give to the sheriff of the county or such officer as may be appointed to hold said election a certified copy of the order of the county court as it appears on the order book within five days after said order is made; and it shall be the duty of said sheriff or other officer to have said order published in some weekly or daily paper published in the county for at least two weeks before the election and also to advertise the same by printed or written handbills posted at some conspicuous place in each precinct in the county for the same length of time when the election is held for the entire county; the sheriff or other officer shall have the advertisements and notices herein provided for, posted as herein required within seven days after he receives the order of the county court.

(2) All elections provided for in this Act shall be held by such officers as would be qualified to hold elections for county officers and they shall be selected in the same way, and all elections provided for herein shall be held in accordance with the provisions of the general election laws of the state, except that they shall not be held on the same day with any regular political election, nor within thirty days preceding or following any such regular political election.

Section 12. If it shall be found that a majority of the legal votes cast at any election herein provided for were given for or against greyhound racing, it shall be the duty of the canvassing board to certify that fact, and the certificates shall be delivered to the clerk of the county court and by him safely kept until the next regular term of the county court at which term the judge thereof shall have the same spread on the order book and said

entry of certificate in the order book or a certified copy thereof shall be prima facie evidence in any and all proceedings under this Act.

Section 13. The result of said election when so held under the provisions of this Act shall determine the question for a period of five years and no election shall be held again in said county upon the subject for a period of five years thereafter.

Section 14. If any section of this Act shall be declared unconstitutional it shall only affect such section and not affect any other section of this Act. All acts or parts of acts in conflict herewith are to the extent of such conflict hereby repealed.

By Mr. Marcum.

H. B. No. 482. AN ACT relating to admission to practice law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any law student whose legal education was interrupted by military service, and who received an honorable discharge from the military service, shall be admitted to the practice of law without having taken the state bar examination upon presentation of proof to the Chief Justice of the Court of Appeals of Kentucky that he has successfully completed his formal legal education.

By Mr. McFadden.

H. B. No. 483. AN ACT relating to fees of Commonwealth's witnesses in felony cases, and amending Section 421.020 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 421.020 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Each circuit clerk shall pay to each witness subpoenaed

for the state in felony cases an allowance of two dollars and fifty cents per day for each day in attendance in the circuit court, beginning with the day set for the trial of the case, under appropriations provided by the General Assembly and in accordance with the procedure governing expenditures from appropriations. He shall take a receipt for each payment made by him showing the date on which payment is made. For the purpose of providing for such payments the State Treasurer, on direction of the Department of Finance, shall advance to each circuit clerk an imprest fund sufficient for the payments for a period of ten days. If a witness resides in another county he shall receive in addition to per diem, four cents per mile going and returning by the nearest traveled route.

(2) No witness subpoenaed for the state in felony cases shall be allowed the per diem of two dollars for more than one day unless such witness is actually used on the trial or excused by the court or Commonwealth's attorney on the first day such witness appears for the trial, and before such witness is subpoenaed by the Commonwealth there has been filed with the circuit clerk a statement signed by the Commonwealth's attorney or the county attorney to the effect that the witness has been interviewed by the county or Commonwealth's attorney, and that in the judgment of the county or Commonwealth's attorney the witness is an important one. The circuit clerk shall not issue any subpoena in felony cases except upon the written request of the county or Commonwealth's attorney filed with him.

By Mr. Dempsey.

H. B. No. 484. AN ACT relating to constables and deputy sheriffs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All constables and deputy sheriffs shall wear uniforms of the type and design prescribed by the Commissioner of State Police at all times when on duty.

By Mr. Saylor.

H. Res. No. 82. A JOINT RESOLUTION directing the Commissioner of Highways to name a principal highway of the Commonwealth the 149th Infantry Regiment Memorial Highway, to place suitable plaques thereon, and to designate such highway on highway maps.

Said resolution is as follows, viz:

WHEREAS, following the trail of the first intrepid pioneers that forged their way into the West through Cumberland Gap, there were organized certain bands of woodsmen and pioneers, for the purpose of protecting the settlements from invasion, and often for the purpose of apprehending the invaders and punishing them for their depredations; and

WHEREAS, these organizations were the forerunners of the organized Infantry Militia in Kentucky; and

WHEREAS, Daniel Boone was appointed Lieutenant Colonel of the Fayette County Militia by the Governor of Virginia in the early days of the Revolutionary War, and this appears to be the first official unit organization of the Kentucky Militia, and it is from this root that the 149th Infantry, Kentucky National Guard, stems; and

WHEREAS, in 1812 there was organized the Second Regiment, Kentucky Militia, which formed a part of the hastily organized Army of the United States, and which fought under General Harrison; and

WHEREAS, following the War of 1812 and the epoch-making march of General Winfield Scott from Vera Cruz to Mexico City, the ancestors of the 149th were again found in action; and

WHEREAS, following the Mexican War and prior to the Civil War, the Regiment was again known as Second Regiment, Kentucky Militia; and

WHEREAS, the fearful days of 1861 with Kentucky divided in its sympathies was a severe test, and in early July the Regiment left for the front, invading Virginia; and

WHEREAS, the Second Regiment was entrusted with

guarding part of the long line of communications and later fought a colorful battle with Buell's Army against Bragg who had invaded Kentucky and Tennessee; and

WHEREAS, after the declaration of war against Spain in 1898, the regiment was forwarded to a concentration camp at Chicamauga where it remained until the brief period of hostilities had terminated; and

WHEREAS, following the Spanish War, the Second Kentucky Infantry was reorganized by Colonel Roger D. Williams and remained on State duty until the Mexican Border disturbances where the regiment was assigned to a defensive sector along the north bank of the Rio Grande River, from El Paso to Fort Hancock, and concluding this duty, the regiment was ordered home and was mustered out of Federal service at Fort Thomas on February 15, 1917, and almost immediately was recalled for service in World War I; and

WHEREAS, in March 1917, by order of the Governor, the Adjutant General called the regiment into State service to protect vital transportation lines and industrial points, and on April 28, it was called into Federal service and the regiment was concentrated at Camp Stanley near Lexington, following which, it moved to Camp Shelby, Mississippi, and was redesignated the 149th Infantry, 75th Brigade, 38th (Cyclone) Division and early in 1918, was sent to France, where on arrival overseas, the regiment was broken up and its members fought under the Regimental colors in combat with the First, Second, Third, Fourth, and Forty-second Division; and

WHEREAS, following the War and pursuant to the National Defense Act of 1920, the regiment was reorganized and redesignated the 149th Infantry, a part of the 75th Brigade and the 38th Division and the 38th Division was the first National Guard Division in the United States to train annually in the field as a completely organized division, following the war; and

WHEREAS, after World War I, the 149th participated in numerous field exercises, standing State duty and answering the call as their services were desired until induction called them into Federal service on January 17, 1941, with their parent unit, the 38th Division; and

WHEREAS, the 149th spent the early part of World War II on extensive training maneuvers in Louisiana, Florida and Georgia, and in August 1943 the 149th Infantry departed for Hawaii, where on June 14, 1944 the 149th departed from Hawaii aboard the ship MONTEREY and the ALCOA POLARIS for Oro Bay, New Guinea, and further participating in the battle of Leyte and Luzon, Philippine Islands, where upon being rewarded with victory in the past battles, they pursued the enemy into Bataan and Pampanga, Tarlac from there to Manila, and upon arriving in Manila, the War Department issued order to demobilize the 149th and the battle-weary soldiers were returned to the States bearing casualties and credits from the Southern Philippine Campaign, New Guinea and the Luzon Campaign; and

WHEREAS, in 1945 the 149th was inactivated and returned to State control, thus leaving a trail of colorful battles and carrying on as their predecessors the Fight for Peace; and

WHEREAS, presently, the 149th is one of the most readied units of the Kentucky National Guard, being under the command of Colonel Arthur C. Bonnycastle with headquarters at St. Matthews, Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Commissioner of Highways of the Commonwealth of Kentucky is hereby directed to designate one of the principal highways of the Commonwealth as the 149th Infantry Regiment Memorial Highway, to erect suitable memorial placques thereon, and to indicate the memorial name of such highway on highway maps.

Mr. Maglinger moved that the rules of the House be suspended for the purpose of making the following motion:

Move that the House recess for fifteen minutes for the purpose of members who are not members of the Rules Committee to have a committee meeting.

Mr. Maglinger and Mr. Mobley having requested a roll call, the yeas and nays were taken as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	David Heskamp	Eddie J. Morris
Wallace Bartley	Lon C. Hill	Edward D. Pollitte
J. Murray Blue	Varna Holt	Paul T. Ratcliffe
Charles W. Buchanan	Jennings H. Kearby	Jack Raybourne, Jr.
John L. Day	Ralph E. McClanahan	L. M. Tipton Reed
Albert Dempsey	Caleb McFadden	Robert Reid
James A. Dressman, Jr.	William E. Maglinger	William A. Routh
O. O. Duncan	William C. Mann	Russell Reynolds
Addison L. Everett	William J. Marcum	LeRoy Saylor
Herbert Fern	George R. Martin	W. R. Smith
Cabell D. Francis	Carl D. Melton	E. H. Stumbo
W. L. Hadden	Tom Mobley	James Treadway
C. Ruby Harralson	Robert K. Montgomery	Charles W. Wirsch
Harold G. Helm	Walter R. Moorman	Walker H. Wiseman
		Dr. Clyde D. Wooton
		Paul E. Young

—44

Those who voted in the negative were—

Walter J. Bailey	William J. Conley	William M. Horn
John Rhea Banton	R. Josh Cosby	Talmage Lacy
Charles E. Baumgardner, Sr.	W. Marvin Davis	Louis T. Peniston
Owen Billington	C. E. Dowell	Eulick Walsh
John Young Brown	Harold Edmonds	W. W. Webster
Harry M. Caudill	Thomas P. Fitzpatrick	William B. Wells
Cassius M. Clay	Chester J. Holsclaw	T. D. Winstead

—21

The result being 44 yeas and 21 nays, the motion was disagreed to.

COMMITTEE REPORTS

Mr. Burnley, Chairman of the Committee on Rules, to which the same had been referred, reported favorably bills of the following titles, viz:

H. B. No. 178. AN ACT relating to loans and scholarships for the study of medicine and making an appropriation therefor.

H. B. No. 400. AN ACT relating to Workmen's Compensation.

S. B. No. 100. AN ACT relating to public printing, etc.

S. B. No. 78. AN ACT relating to contracts and separate estate of married women, amending KRS 404.010.

H. B. No. 238. AN ACT relating to unemployment insurance amending Section 341.070 of the Kentucky Revised Statutes.

H. B. No. 470. AN ACT relating to the operation of vehicles upon city streets, and amending Section 92.320 of the Kentucky Revised Statutes.

H. B. No. 247. AN ACT relating to ad valorem taxes.

H. B. No. 434. AN ACT relating to executions on salaries and wages of persons engaged in private employment.

H. B. No. 435. AN ACT relating to executions on money due or to become due from the state, state agencies or political subdivisions, and to the execution and garnishment of money or other personalty held by public officers.

H. B. No. 439. AN ACT relating to the establishment by the Department of Welfare of five convalescent homes for the aged in five sections of the Commonwealth, providing for a revenue bond issue to finance such homes, and providing for the method of retiring such bonds.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 436. AN ACT relating to regulation of the sale and distribution of commercial feeds.

H. Res. No. 70. A JOINT RESOLUTION expressing the appreciation of the Commonwealth of Kentucky to Paul Bryant for his service to the Commonwealth.

H. Res. No. 59. A JOINT RESOLUTION naming Mrs. Ethel Gist Cantrill as State Librarian Emeritus of Kentucky.

H. B. No. 352. AN ACT relating to Veterans Bonus and providing a sales tax on alcoholic beverages for payment thereof.

H. Res. No. 53. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission of milk prices in Kentucky.

H. B. No. 206. AN ACT relating to state tuberculosis hospitals and the State Tuberculosis Hospital Commission.

H. B. No. 221. AN ACT relating to local public health.

H. B. No. 389. AN ACT relating to labor, providing penalties, etc.

H. B. No. 421. AN ACT relating to wages and hours.

H. B. No. 150. AN ACT relating to compensation of physicians employed by county, city-county and district health departments.

H. B. No. 323. AN ACT relating to the disposition of persons convicted of crime in police courts in cities of the first and fourth classes.

H. B. No. 109. AN ACT relating to city licenses for the privilege of manufacturing and trafficking in alcoholic beverages, etc.

S. B. No. 116. AN ACT relating to the State Fair Board, etc.

S. B. No. 147. AN ACT relating to abandoned refrigerators, iceboxes, and ice chests.

S. B. No. 76. AN ACT relating to absent voting, etc.

H. B. No. 445. AN ACT relating to the preservation of bank records.

H. B. No. 383. AN ACT relating to the practice of chiropody.

H. B. No. 306. AN ACT relating to defenses in actions for false arrest or imprisonment.

H. B. No. 304. AN ACT to make uniform the law on fresh pursuit, and authorizing this state to cooperate with other states.

H. B. No. 302. AN ACT relating to venue for prosecution of officers of certain state agencies.

H. B. No. 301. AN ACT relating to criminal identification and statistics and creating a bureau of criminal identification, etc.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Brown moved that Former Representative Levi Baker, of Daviess County, Mrs. Baker, daughter, Ella Frances Baker, be granted the privilege of the floor, and that Levi Baker, Jr., be made an honorary page.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 208. AN ACT relating to the Financial Responsibility Law.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (4) of Section 187.330 of the Kentucky Revised Statutes is amended to read as follows:

(4) Upon receipt of notice of such accident, the insurance

company or surety company which issued such policy or bond shall notify the Department within such time and in such manner as the Department may require, in case such policy or bond was not in effect at the time of such accident.

Sec. 2. This Act shall be applicable with respect to all notices of accidents received by insurance companies or surety companies on or after July 1, 1954.

Mr. Winstead moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	C. E. Dowell
Walter J. Bailey	Charles W. Buchanan	O. O. Duncan
John Rhea Banton	Harry M. Caudill	Harold Edmonds
Clarence J. Barnum	Cassius M. Clay	Addison L. Everett
Wallace Bartley	Paul Cobb	Thomas P. Fitzpatrick
Charles E. Baumgardner, Sr.	William J. Conley	Cabell D. Francis
Owen Billington	R. Josh Cosby	W. L. Hadden
Leo A. Bleemel	Vernor O. Cottengim	C. Ruby Harralson
J. C. Bradley	W. Marvin Davis	Henry R. Heyburn
	Albert Dempsey	Lon C. Hill

Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—68

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 312. AN ACT relating to the issuance of notes in anticipation of revenue.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) From time to time as the legal demands on the General Fund or on the Road Fund render it necessary, the State Treasurer, with the approval of the Commissioner of Finance, may borrow such money as is necessary to discharge such demands and shall issue negotiable notes for the amount borrowed in anticipation of the receipt of revenues for the purposes and within the amounts of appropriations theretofore

made for the fiscal year in which said negotiable notes are issued. These negotiable notes shall be due and payable on or before June 30 of the fiscal year for which the money is borrowed. The State Treasurer shall obtain the lowest rate of interest possible to be determined by competitive bidding, but such rate of interest shall not exceed five percent per annum. The sum borrowed shall not exceed seventy-five percent of the estimated revenues then unrealized but still to be collected during the remainder of the fiscal year in which the money is borrowed. Such notes for the money so borrowed shall, with the interest thereon, be paid from revenues received by the General Fund or the Road Fund, whichever fund the money is borrowed for; and so much of such revenues as will be sufficient to pay the amount borrowed shall be pledged to that object.

(2) "Estimated revenues" referred to in subsection (1) of this Act shall mean the official estimates submitted to the Governor by the Commissioner of Revenue, including revisions of the estimates which the Commissioner of Revenue may deem advisable from time to time.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Edward D. Pollitte
Walter J. Bailey	W. L. Hadden	Paul T. Ratcliffe
John Rhea Banton	C. Ruby Harralson	Jack Raybourne, Jr.
Clarence J. Barnum	Estill R. Hilton	L. M. Tipton Reed
Wallace Bartley	Chester J. Holsclaw	Robert Reid
Charles E. Baumgardner, Sr.	William M. Horn	Russell Reynolds
Owen Billington	William L. Jones	Joe Rouse
Leo A. Bleemel	Talmage Lacy	Cecil C. Sanders
J. C. Bradley	Harry King Lowman	W. R. Smith
John Young Brown	Damon Majors	Mrs. Thelma L. Stovall
William J. Conley	William C. Mann	C. Waitman Taylor
R. Josh Cosby	Robert K. Montgomery	Eulick Walsh
W. Marvin Davis	Fred Morgan	Will Tom Wathen
C. E. Dowell	Eddie J. Morris	W. W. Webster
Harold Edmonds	Thomas J. Murphy	William B. Wells
Addison L. Everett	Goebel W. Newsom, Jr.	T. D. Winstead
Herbert Fern	Foster Ockerman	Walker H. Wiseman
Thomas P. Fitzpatrick	Louis T. Peniston	Paul E. Young

—54

Those who voted in the negative were—

Charles W. Buchanan	David Heskamp	Tom Mobley
Harry M. Caudill	Henry R. Heyburn	Walter R. Moorman
Paul Cobb	Lon C. Hill	William A. Routh
John L. Day	James W. Lambert	LeRoy Saylor
Albert Dempsey	Caleb McFadden	E. H. Stumbo
James A. Dressman, Jr.	William J. Marcum	James Treadway
Harold G. Helm	George R. Martin	Charles W. Wirsch
	Carl D. Melton	Dr. Clyde D. Wooton

—23

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 326. AN ACT relating to investments in real property by insurance.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.437 of the Kentucky Revised Statutes is amended to read as follows:

(1) It is hereby declared to be the policy of the Commonwealth of Kentucky that the investment of funds in real and personal property as now or hereafter provided by KRS Chapter 304 be recognized as a normal, proper, necessary, and integral part of the legitimate business of insurance companies, including corporate insurers, organized in Kentucky or authorized to transact insurance in Kentucky.

(2) An insurer shall own or have its funds invested in ownership and repair, alteration, furnishing, or improvement of the following real property only:

(a) The building in which is located its home office and the land upon which it is situated, together with such other real property as is requisite for its accommodation in the convenient transaction of its business, all subject to the provisions of KRS 304.438;

(b) Real property acquired in satisfaction of or on account of loans, mortgages, liens, judgments, or other debts previously owing to the insurer in the course of its business;

(c) Real property acquired by gift or devise;

(d) Unencumbered real property acquired in exchange for real property owned by it. If necessary in order to consummate such an exchange, the insurer may put up cash in amount not to exceed twenty percent of the fair value of its real property to be so exchanged, in addition to such property;

(e) Real property acquired through a lawful merger or

consolidation with it of another insurer and not required for the purpose specified in item (a) of this subsection;

(f) Upon approval of the commissioner, real property and equipment incident to real property, requisite or desirable for the protection or enhancement of the value of other real property owned by the insurer;

(g) Real property under lease, or for lease in accordance with an existing arrangement therefor, for industrial or commercial purposes, other than real property for agricultural, horticultural, ranch, mining, mineral, recreational, amusement, club, or hotel, purposes, the terms of which lease provide for a net rental sufficient to amortize the investment in such property and improvements thereon with interest at a minimum of three percent per annum over the primary term of the lease or a period of forty years which ever is less. The aggregate of investments of the insurer in all real property under this paragraph (g) shall not exceed three percent of its assets, and no one such investment shall exceed one-half of one percent of such assets.

(2) Except as provided in KRS 304.438, an insurer shall not have invested in any one parcel or related parcels of real property, acquired subsequent to June 14, 1934, (other than real property acquired pursuant to paragraph (g) of subsection (1) of this section, and improvements thereof) or in the repair, alteration, furnishing or improvement thereof, any of its funds in excess of five percent of its assets.

Section 2. There is hereby created a new section of the Kentucky Revised Statutes to read as follows:

All property acquired by an insurer under KRS 304.437 or 304.453 shall be deemed to be property that is proper and necessary for carrying on its legitimate business within the meaning of KRS 271.145.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Damon Majors
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—66

Those who voted in the negative were—

Wallace Bartley	George R. Martin	Edward D. Pollitte
John L. Day	Carl D. Melton	LeRoy Saylor
Albert Dempsey	Eddie J. Morris	James Treadway
Lon C. Hill		—10

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 327. AN ACT relating to fire prevention and protection.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of insurance;

(2) "Department" means the department of insurance;

(3) "Fire loss" means loss of or damage to property, loss of life or personal injury, by fire, lightning or explosion;

(4) "Owner" means any person who owns, occupies or has charge of any property;

(5) "Property" means property of all types, both real and personal, movable and immovable;

(6) "Rule" or "regulation" means a general order of the commissioner, designed for the prevention of fire loss, which affects or may affect property rights of a designated class of owners or for the prevention of fire loss by certain indicated hazards;

(7) "Order" or "special order" means an order of the com-

missioner, designed for the prevention of fire loss, which affects or may affect the property rights of a particular owner or designated property.

Section 2. Any power, duty or function vested in the commissioner, by any provision of this Act may be exercised, discharged, or performed by any deputy or assistant of the department acting in the commissioner's name and by his delegated authority.

Section 3. (1) The commissioner shall enforce or aid in the enforcement of all laws, regulations and ordinances of the state and its political subdivisions relating to fire loss as herein defined:

(a) The prevention or reduction of loss by fire or by other hazard or risk insured by property or casualty insurance companies doing business in this state, except as to disability insurance and workmen's compensation, and shall enforce any other regulations or methods adopted for the prevention of loss from such hazards or risks in order to promote the safety of persons or property;

(b) The manufacture, transportation, storage, sale or use of combustibles, explosives and hazardous materials or equipment;

(c) The design, construction, and maintenance of property which has a direct bearing on safety to life and property;

(d) The construction, installation, maintenance or equipment of fire alarm systems, fire protection and extinguishing equipment, and fire escapes and other means of access to or exit from property;

(e) Arson ad related offenses.

(2) The commissioner is authorized to:

(a) Investigate the cause, origin, and circumstances of fires and explosions for the purpose of detecting and suppressing arson and related offenses, or for the purpose of minimizing or preventing fire loss;

(b) Supervise and make periodic inspections of all prop-

erty within the state, and assist cities having fire departments in making like periodic inspections of all property in such cities, except occupied private dwellings;

(c) Make and enforce reasonable rules and orders for the prevention of fire loss, and for the adoption, approval, and installation of such safety equipment as will minimize fire loss;

(d) Provide technical and engineering advice and assistance to state and local governmental agencies in relation to fire prevention or fire protection;

(e) Direct and assist owners of educational institutions, places of public assembly, institutional buildings, public buildings, factories, business buildings, or other places where persons congregate, in the instruction of fire prevention, and the holding of fire drills;

(f) Conduct fire prevention and educational campaigns;

(g) Conduct examinations into the cause, origin, or circumstances of fire losses;

(h) Hold such hearings as he may deem necessary or desirable as to any matter within the scope of this Act.

Section 4. The commissioner shall appoint a state fire marshal and such deputy fire marshals, assistants and employes as are necessary to carry out the purposes of this Act. The state fire marshal, under the general direction of the commissioner, shall enforce and administer the provisions of this Act and rules and regulations issued hereunder. The chief of each city fire department and the sheriff of each county, shall be deemed deputies when ordered by the commissioner to act as such for their respective cities and counties.

Section 5. The deputy fire marshal for any city or county in which fier loss occurs, shall immediately investigate the origin and circumstances of the fire and determine the cause of the fire so far as practicable. If it appears to the deputy that the fire is of suspicious origin he shall immediately notify the department.

Section 6. Every insurer authorized to transact business in this state shall report to the department, such loss or damage by

fire, lightning, or explosion occurring to property insured by such insurer in this state, as may be, and in the manner prescribed by the commissioner. Provided, however, the commissioner may waive the reporting of such losses which are deemed unimportant because of the small amount involved to the end that a saving in time and expense will result.

Section 7. From the reports made to him, the commissioner shall keep a record of fire losses occurring in this state and of facts concerning them. He shall make such compilations, investigations and statistical summaries as he deems proper, all of which shall be kept as permanent records in his office. All such records shall be public, except that the commissioner may, in his discretion, withhold from the public statements and testimony taken in an investigation or examination, correspondence relating to an investigation or examination, confidential reports of private persons and agents, and reports of investigations of fire losses.

Section 8. (1) The department shall have jurisdiction over all property in the state insofar as it is necessary for the administration and enforcement of all laws, ordinances, rules and regulations designed to protect the public from fire loss.

(2) The commissioner may at all reasonable hours of the day or night enter in or upon any property to make an inspection or investigation for the purpose of preventing fire loss or determining the origin of any fire, but this subsection shall apply to the interior of private, occupied dwellings only when a fire has occurred therein or when the officer has reason to believe that unsafe fire conditions exist in the building.

(3) No person shall obstruct, hinder or delay such an officer in the performance of his duty.

Section 9. (1) The commissioner may subpoena witnesses, administer oaths, require the production of books, papers, accounts, documents and other records or materials of an evidenitary nature and may examine witnesses in any investigation, hearing, action or proceeding authorized under this Act.

(2) Examinations may be public or private. Persons other than those required to be present may be excluded from the place where the examination or hearing is held, and witnesses may be

kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(3) If any person fails to respond to a subpoena, or refuses to be sworn, or refuses to testify, or fails or refuses to produce any record or material called for, or fails or refuses to comply with a lawful order of the commissioner, or performs any contemptuous or contumacious act after being summoned to appear in connection with an investigation, hearing, action or proceeding authorized under this Act, the commissioner shall certify the facts to the circuit court of the county in which the offense was committed. That court shall have jurisdiction to hear, try and punish such persons as in other cases of contempt.

(4) The same fees shall be paid for the service of process, the taking of depositions and for the services of stenographers as is provided for like services in circuit court.

Section 10. If, after an investigation or examination, the commissioner believes that the evidence concerning a fire indicates that a crime has been committed he shall furnish all data of an evidentiary nature in his possession to the county attorney of the county in which the fire took place, or the Commonwealth's attorney in that district, and request that such attorney institute such criminal proceeding as the evidence warrants.

Section 11. (1) The commissioner shall promulgate reasonable rules and regulations based upon good engineering practice and principles as embodied in recognized standards of fire prevention and protection, providing for a reasonable degree of safety for human life against the exigencies of fire and panic, and ensuring as far as is practicable against fire loss. Such rules and regulations shall be known as the Standards of Safety.

(2) In making such rules and regulations the commissioner shall establish minimum fire prevention and protection requirements, including but not limited to requirements for design, construction, installation, operation, storage, handling, maintenance or use of the following: structural requirements for the various types of construction; building restrictions within congested districts; exit facilities from structures; fire alarm systems and fire extinguishing systems; fire emergency drills; requirements for

buildings of public assembly; flue and chimney construction; heating devices; electrical wiring and equipment; air conditioning, ventilating and other duct systems; refrigeration systems; flammable liquids, oil and gas wells; garages, repair and service shops; application of flammable finishs, explosives; acetylene, liquefied petroleum gas and similar products; calcium carbide and acetylene generators; dry cleaning and dyeing plants; flammable motion picture film; combustible fibres; airports and airport buildings; hazardous chemicals; rubbish, open flame devices; parking of vehicles; dust explosions; lightning protection; and other special fire hazards.

Section 12. The commissioner shall conduct a hearing prior to the issuance of rules and regulations promulgated pursuant to Section 11 of this Act. At such hearing interested parties shall be given an opportunity to be heard in person or by counsel. At least ten days in advance of the hearing the commissioner shall cause a notice of such hearing to be published in two or more daily newspapers of general circulation published and circulated in this state. No defect or inaccuracy in the notice or in its publication shall invalidate any such rules or regulations.

Section 13. This Act shall not deprive the authorities of any county, city or other political subdivision, of any power or jurisdiction over any property. Whenever the commissioner, by rules and regulations prescribes a standard of safety from fire loss, such rules and regulations shall establish a minimum requirement concerning the matters covered thereby and shall be so construed in relation to any local rules and regulations.

Section 14. (1) Whenever the commissioner finds that any property is not safe as to fire loss, under the terms and conditions of this Act, and under the regulations promulgated, or that the practices or methods of operation or processes employed or used in connection therewith do not afford adequate protection from loss, under this Act or under such regulations, he shall order that additions, improvements or changes be made and such equipment be provided as will reasonably render the property safe.

(2) Before any such order is made a hearing shall be held

in accordance with the provisions of KRS 304.044, 304.046 and 304.048.

(3) Appeals from any order or action of the commissioner under this section may be taken in the manner prescribed in KRS 304.050 and 304.052.

Section 15. Whenever the commissioner or other officer has reason to believe that a fire hazard should be corrected and he is unable to determine after a diligent search the owner of any property to be affected, he shall post notice of a hearing concerning such hazard in a conspicuous place on or near such property and shall publish such notice in a newspaper of general circulation in the county in which the property is located. The hearing shall be held in accordance with Section 14 of this Act at the time and place specified in the notice as if such notice had been served on the owner.

Section 16. The commissioner shall keep a permanent record of all orders, rules and regulations. Each such order, rule or regulation, shall be admissible in any prosecution for the violation of any of its provisions. Provisions of an order, rule or regulation shall be presumed to be lawful and to fix a reasonable and proper requirement and standard of safety from fire loss.

Section 17. If any owner fails to comply with an order of the commissioner, or with an order as modified on appeal, the commissioner may cause the property to be repaired, or removed if repair is not feasible, or all fire hazard conditions remedied, at the expense of the owner. Such expense may be enforced against any property of such owner, and the commissioner and those employed by him to do the work or who furnish materials or equipment therefor, shall have a lien for such expense on the real estate property involved.

Section 18. (1) The chief of the fire department of a city, or any officer or member of his department designated by him for that purpose, is authorized to inspect all property for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire loss, or determining the cause or origin of any fire loss, or discovering any violation of a law or ordinance relating to fire prevention and protection. This authority shall apply

to the interior of occupied, private dwellings only when a fire loss has occurred therein or when the officer has reason to believe that unsafe conditions exist in the building. Inspections of property in the territory served by the fire department shall be made as often as practicable or as often as the city legislative body may direct.

(2) A written report of each inspection shall be made and kept on file in the office of the chief of the fire department. Reports of investigations of fire losses conducted by a fire department may, in the discretion of the chief of the fire department, be withheld from the public.

Section 19. (1) Whenever the chief of the fire department of a city, or any officer or member of his department designated by him for that purpose, finds any property which, for want of repairs, lack of sufficient fire escapes, age, dilapidated condition or any other cause, is especially liable to fire loss, or whenever an officer finds in any property combustible or explosive matter or inflammable materials likely to result in fire loss, he shall order it to be remedied. The order shall forthwith be conformed to by the owner of the property.

(2) The owner may appeal to the commissioner within ten days following receipt of the order. The commissioner shall, within twenty days, review the order and file his decision. The order shall remain in full force until it is revoked or modified by the commissioner.

Section 20. If any owner fails to comply with an order issued pursuant to Section 19 of this Act or with an order as modified on appeal to the commissioner, the officer may cause the property to be repaired, or removed if repair is not feasible, and all fire hazard conditions remedied, at the expense of the owner. Such expense may be enforced against any property of such owners and the officer and those employed to do the work or who furnish materials or equipment therefor shall have a lien for such expense on the real estate or property involved.

Section 21. (1) No owner shall fail to furnish and use reasonable adequate protection and safeguards against fire loss,

or fail to adopt and use processes and methods reasonably adequate to render such places safe from fire loss.

(2) No owner shall require or allow the public or any employe to go into or be in any property under his control which is not reasonably safe from the fire loss.

Section 22. Any person who violates any provision of this Act or any provision of a lawful order, rule or regulation made under the provisions of this Act, or who induces another to violate any provisions of this Act or of any lawful order, rule or regulation made thereunder, shall be fined not less than ten dollars nor more than five hundred dollars, or confined in the county jail for not more than sixty days, or both. Each day such violations exist shall, in the discretion of the courts, be considered as a separate offense.

Section 23. Sections 227.010 to 227.190 and 227.990 of the Kentucky Revised Statutes are hereby repealed and a new Chapter of the Kentucky Revised Statutes is hereby created to be numbered Chapter 227 which shall contain this Act.

Mr. Billington moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Estill R. Hilton
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Ralph E. McClanahan
Damon Majors
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Russell Reynolds
Joe Rouse
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young
—59

Those who voted in the negative were—

John L. Day
Albert Dempsey
Lon C. Hill
James W. Lambert
Caleb McFadden
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
E. H. Stumbo
James Treadway
Charles W. Wirsch
Dr. Clyde D. Wooton
—14

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 329. AN ACT relating to insurance, and amending certain sections of Chapter 304 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.025 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner shall preserve in permanent form records of his proceedings, hearings, investigations, and examinations, and shall file such records in his office.

(2) The commissioner's records and insurance filings in his office shall be open to public inspection, except as otherwise provided in this code.

(3) The commissioner may destroy records, papers and filings which in his judgment are of no further material value to the state; but he shall not destroy any record, paper, or filing on file with the department for a period of less than six years or made, received, or filed with the department during his administration, except such records, papers, and filings of an insurer determined to be equivalent to the records, filings and papers of any other insurer already filed with the commissioner as required by KRS 304.627 and 304.657.

Section 2. Section 304.035 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner shall employ such examiners and other assistants as may be necessary to conduct such examinations.

(2) Each insurer or other person being examined by the commissioner shall pay to the examiners and assistants making the examination proper charges for the services of such examiners and assistants and the actual travel expenses and living expense allowances at a reasonable rate aproved by the com-

missioner upon presentation of a detailed account of such charges and expenses. In the event the examiners and other assistants employed under subsection (1) of this section are not actually engaged in an examination, the commissioner may use such examiners and assistants when necessary under an arrangement whereby they will be reimbursed in the same manner as applies to payment of compensation to other employes of the department.

When it is necessary that regular salaried employes of the insurance department participate in or work in connection with any examination each such insurer or person being examined shall pay to the commissioner reasonable and proper charges for services of such regular salaried employes upon presentation of a detailed account of such charges. Such fees shall be deposited in a revolving fund account designated, "Examination Expense Revolving Fund." Withdrawals shall be made from such account for purposes pertaining to examinations as deemed necessary by the commissioner.

(3) If any amount in such revolving fund remains unexpended at the end of any fiscal year, that amount shall not lapse, but shall remain credited to the account and may be used during the succeeding year or years.

Section 3. Section 304.408 of the Kentucky Revised Statutes is amended to read as follows:

(1) An insurer may invest its funds in bonds which are payable from revenue or earnings specifically pledged therefor of any public toll bridge, structure, or improvement owned by any state, incorporated city, or legally constituted public corporation or commission, all within the United States, for the payment of the principal and interest of which adequate provision has been made, and if no default on the part of the issuer in payment of principal or interest has occurred on any of its bonds, notes, warrants or other securities, within five years prior to the date of investment therein, or if issued within such five years, since issuance.

(2) An insurer may not invest or have invested at any one

time, more than twenty-five percent of its assets in all securities provided for in this section and in KRS 304.406 and 304.407.

Section 4. Section 304.411 of the Kentucky Revised Statutes is amended to read as follows:

An insurer may invest and have invested at any one time not in excess of an aggregate of thirty percent of its assets in the bonds or other evidences of indebtedness of any telegraph or telephone corporation, or corporation engaged in furnishing gas, electricity, heat, light, power, water or transportation directly or indirectly, to the public in a city in the United States or Canada, adequately secured by first mortgage or pledge of property of the corporation issuing them, or by adequate collateral, and in any such corporation's debentures subject to the same qualifications as are stated in subsections (3) and (4) of KRS 304.415, if:

(1) No default in payment of principal or interest on the bonds or other evidences of indebtedness to be purchased has occurred within five years of the date of investment therein, or, if such bonds or other evidences of indebtedness were issued less than five years prior to the date of investment therein, since issuance; and

(2) The issue has been approved by the proper public authority if such approval was required by law at the time of issue.

Section 5. Section 304.415 of the Kentucky Revised Statutes is amended to read as follows:

An insurer may invest and have invested at any one time not in excess of an aggregate of twenty percent of its assets in bonds, notes or debentures of solvent corporations, other than corporations referred to in KRS 304.411, 304.412, 304.413 existing under the laws of the United States or any state thereof, if:

(1) No default in payment of interest or principal on the bonds, notes or debentures to be purchased has occurred within five years of the date of investment therein, or, if such bonds, notes or debentures were issued less than five years prior to the date of investment therein, since issuance;

(2) Such corporation and its predecessor organization or organizations, if any, have been in existence for ten years; and

(3) No substantial part of the property of such corporation is subject to any lien or other obligation entitled to priority of payment over such bonds, notes or debentures, except such items as current taxes, mechanics liens, equipment trust certificates, purchase money mortgages, pledges to or deposits with any court or government or agency thereof, pledges to secure indebtedness incurrd in the ordinary course of business and maturing in not more than one year.

Section 6. Section 304.426 of the Kentucky Revised Statutes is amended to read as follows:

(1) An insurer may invest its funds in obligations issued, assumed, or guaranteed by the International Bank for Reconstruction and Development.

(2) An insurer may invest in the shares, interests, or participation certificates of any management investment company, whether or not incorporated, which is registered under the Fedral Investment Company Act of 1940 as amended, as a diversified, management investment company, if such company has been in existence for not less than ten years. The aggregate of investments of the insurer under this subsection shall not exceed five percent of the insurer's assets.

Section 7. Section 304.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any personal property or securities lawfully acquired by an insurer, which it could not otherwise have invested in or loaned its funds upon at the time of such acquisition, shall be disposed of by the insurer within four years from date of acquisition, unless within such period the security has attained the standard for eligibility; except, that any security or property acquired pursuant to an agreement of bulk reinsurance, merger, or consolidation shall be disposed of as provided in the plan for such reinsurance, merger, or consolidation as is approved by the commissioner pursuant to KRS 304.952. The commissioner, upon application and proof that forced sale of any such property or

security would be against the best interests of the insurer, may extend the disposal period for an additional reasonable time

(2) Any such property or security held by an insurer after expiration of the period for disposal thereof or any extension of such period granted by the commissioner, shall not be allowed as an asset of the insurer.

(3) Any ineligible investment unlawfully acquired by an insurer shall be disposed of, and for failure so to do within thirty days after order of the commissioner requiring such disposal, the commissioner may revoke or suspend the insurer's certificate of authority.

(4) For the purposes of subsection (3) of this section, an investment otherwise eligible shall not be deemed ineligible for the reason that it is in excess of the amount permitted under KRS 304.400 to 304.453 to be invested in the category of investments to which it belongs; and any such excess investment shall be disposed of within the time prescribed in subsection (1) of this section.

Section 8. Section 304.453 of the Kentucky Revised Statutes is amended to read as follows:

(1) Foreign and alien insurers transacting insurance in this state shall have assets of the same general character as specified for domestic insurers, except that other investments authorized by the law of such an insurer's state of domicile or of entry into the United States, if an alien insurer, may be recognized as assets in the discretion of the commissioner. Assets of the kind described in paragraph (g) of subsection (1) of KRS 304.437 shall, if authorized by the law of the insurer's state of domicile or of entry into the United States, be deemed to have been acquired and held in the course of the legitimate business of the insurer, whether or not the commissioner determines that they shall be recognized as assets of the insurer.

Section 9. Section 304.476 of the Kentucky Revised Statutes is amended to read as follows:

(1) All such deposits shall be held by the custodian in trust for the benefit and protection of all of the insurer's policyholders and creditors in the United States.

(2) The deposit of a domestic insurer shall further be security for payment of taxes, assessments, forfeitures, fines, or other charges due and unpaid to this state or any other state in which the insurer has been authorized to transact insurance, and may be applied to such extent as may be necessary for such payment.

(3) Except, that deposits required pursuant to the retaliatory provision, KRS 304.110, or required of a domestic insurer pursuant to the laws of another state, may be limited to such uses and purposes as is consistent with such provision or laws. But no such deposits so required of a domestic insurer shall be allowed in lieu of or as a credit upon any deposit required of such insurer under this Chapter if the purpose of such deposit so required by another state is materially inconsistent with the purpose stated in subsection (1) of this section.

Section 10. Section 304.516 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall in this state act as or hold himself out to be an agent, solicitor, or adjuster unless then licensed therefor by this state; except, that an individual employed by a licensed adjuster and undergoing education and training as an adjuster under the direction and supervision of such licensed adjuster, may, for a period not exceeding twelve months, act as an adjuster without having an adjuster's license if at the beginning of such twelve months period the name of such apprentice adjuster has been registered as such with the commissioner.

(2) No agent shall place any business with any insurer as to which he does not then hold an agent's license issued by the state, except as expressly provided in KRS 304.510 to 304.574.

(3) The commissioner shall prescribe and furnish forms required in connection with application, issuance, or termination of licenses.

(4) No person shall hold himself out to be, act as, or be licensed as an insurance broker in this state, except as is provided in KRS 304.589 as to surplus line brokers. This provision shall not be deemed to prohibit any act permissible under KRS 304.554 or KRS 304.540 and 304.541.

Section 11. Section 304.525 of the Kentucky Revised Statutes is amended to read as follows:

To qualify for an agent's license, an applicant must otherwise comply with this code therefor and must:

(1) Be twenty-one years of age or over.

(2) If for other than a disability or a credit insurance agent, be a bona fide resident of and actually reside in this state, except as provided in KRS 304.549.

(3) Successfully pass an examination as required under KRS 304.521.

(4) Be a trustworthy person.

(5) Not intend to use or use the license for the purpose principally of writing controlled business, as defined in KRS 304.518.

(6) If for an agent's license, other than a temporary license under KRS 304.557, be appointed as its agent by an authorized insurer, subject to issuance of the license.

Section 12. Section 304.597 of the Kentucky Revised Statutes is amended to read as follows:

(1) The provisions of KRS 304.580 to 304.598 controlling the placing of insurance with unauthorized insurers shall not apply to reinsurance, nor to the following insurance when so placed by licensed agents of this state:

(a) Insurance on subjects located, resident, or to be performed wholly outside of this state, or on vehicles or aircraft owned and principally garaged outside this state.

(b) Insurance on operations of railroads engaged in transportation in interstate commerce and their property used in such operations.

(2) Agents so placing any such insurance with an unauthorized insurer shall keep a full and true record of each such coverage in detail as required of surplus line insurance under KRS 304.580 to 304.598. The record shall be preserved for not less than five years from the effective date of the insurance and shall

be kept available in this state and open to the commissioner's examination. The agent shall furnish to the commissioner at his request a report of all such coverages so placed in a designated calendar year.

Section 13. Section 304.657 of the Kentucky Revised Statutes is amended to read as follows:

(1) No basic insurance policy form other than surety bond forms, or application form where written application is required and is to be made part of the policy, or printed life or disability rider or endorsement form shall be issued, delivered, or used unless it has been filed with and approved by the commissioner. This section shall not apply to policies, riders or endorsements of unique character designed for and used with relation to insurance upon a particular subject, or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or disability insurance policies, and which are used at the request of the individual policyhholder, contract holder or certificate holder.

(2) Every such filing shall be made not less than thirty days in advance of any such issuance, delivery, or use. At the expiration of such thirty days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the commissioner. The commissioner may extend by not more than an additional thirty days the period within which he may so affirmatively approve or disapprove any such form, by giving notice of such extension before expiration of the initial thirty-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such form shall be deemed approved. Approval of any such form by the commissioner shall constitute a waiver of any unexpired portion of such initial thirty-day waiting period.

(3) The commissioner's order disapproving any such form shall state the grounds therefor. The commissioner may, for cause after a hearing, withdraw a previous approval.

(4) No such form shall knowingly be so issued or delivered as to which the commissioner's approval does not then exist.

(5) The commissioner may, by order, exempt from the requirements of this section for so long as he deems proper, any insurance document or form or type thereof as specified in such order, to which in his opinion this section may not practicably be applied, or the filing and approval of wihch are, in his opinion, not desirable or necessary for the protection of the public.

Section 14. Section 304.905 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in Section 15 of this Act, insurers that take fire or storm risks on real property in this state shall, in case of total loss therof by fire or storm, be liable for the full estimated value of the property insured, as the value thereof is fixed on the face of the policy, except that the estimated value of the property insured may be diminished to the extent of any depreciation in the value of the property occurring between the date of the policy and the loss. In case of partial loss of the property insured, the liability of the insurer shall not exceed the actual loss of the party insured. The insured shall be liable for any fraud he may practice in fixing the value of the property, if the insurer is misled thereby.

Section 15. There is hereby created a new section of the Kentucky Revised Statutes to read as follows:

Insurers of property against fire or storm may contract with the insured that the insured shall, during the life of the policy, maintain insurance upon the property so insured to the extent of an agreed proportion of the actual cash value of the property at the time of loss, and that if the insured fails to do so, the insured shall be a co-insurer to the extent that the insurance then in force is less than the amount of the agreed proportion, and shall bear his part of any loss, as co-insurer, to that extent. The acceptance of a policy containing such a provision shall be at the option of the insured, and a reduced premium rate shall apply to the policy. No such provision shall be valid unless the form setting up the terms of the provision has been approved by the commissioner of insurance.

Section 16. There is hereby created a new section of the Kentucky Revised Statutes to read as follows:

(1) On any contract of title insurance hereafter issued by any domestic insurer, there shall be reserved initially a sum equal to ten percent of the risk premium charged thereon. At the end of each year, for a period of twenty years thereafter, there shall be a reduction in the sum so reserved in the amount of one-twentieth of such sum. Said sums herein required to be reserved for unearned premiums on contracts of title insurance, shall at all times and for all purposes be considered as, and shall constitute, unearned portions of such risk premiums. In calculating reserves, all contracts of title insurance shall be assumed to be dated in the middle of the year in which they are issued.

(2) The insurer shall invest funds constituting the unearned premium reserves created by this section, only in such investments as are eligible.

(3) The amount of the unearned premium reserve shall be reported to the commissioner as part of the insurer's annual statement.

(4) The insurer's assets representing the unearned premium reserve shall be kept segregated from other assets.

(5) Any foreign title insurance corporation doing business in this state shall be required to comply with the provisions of this section, unless by the laws of its state of domicile it is required to set aside unearned premium reserves in at least as great an amount as required by this section.

Section 17. Section 304.022 of the Kentucky Revised Statutes is amended to read as follows:

(1) The insurer may invest up to one-third of its minimum required capital, and any of its surplus in such books, maps, abstracts, and other records as are requisite or convenient for transaction of its business as title insurer, and in the maintenance thereof.

(2) The insurer may invest the remainder of its funds, after meeting its guaranty fund requirements, in such investments as are eligible as investments of insurers other than life insurers under KRS 304.400 to 304.453, with the following modifications:

(a) The insurer may loan on security of a real estate mort-

gage an amount not exceeding seventy-five percent of the value of the property mortgaged. The extent to which a mortgage loan made under paragraph (c) or (d) of subsection (1) of KRS 304.431 is guaranteed or insured by the Federal Housing Administration or guaranteed by the Administrator of Veterans Affairs may be deducted before application of the limitation contained in this subsection. Unless the insurer's paid-in capital and surplus exceed five hundred thousand dollars, its real estate mortgage investments shall be restricted to mortgages secured by property located in this state.

(b) The limitations contained in KRS 304.403, subsection (2) of KRS 304.431, subsection (2) of KRS 304.437, KRS 304.438, and KRS 304.441 shall not apply as to such investments.

(c) The insurer shall not, without the prior approval of the commissioner, invest more than ten percent of its assets in the stock of any corporation engaged in business as a title insurer or abstract company or a real estate mortgage company.

(d) A title insurer may, with the prior written approval of the commissioner, invest not to exceed an aggregate of ten percent of its assets in loans to abstract companies, which loans are adequately secured as to principal and interest by chattel mortgages upon the books, maps, files, abstract records and other personal property of the mortgagee. No one such loan shall exceed four percent of the insurer's assets.

(3) KRS 304.448 shall apply to title insurers.

Mr. Billington moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Herbert Fern	Thomas J. Murphy
Walter J. Bailey	Cabell D. Francis	Foster Ockerman
John Rhea Banton	W. L. Hadden	Louis T. Peniston
Clarence J. Barnum	C. Ruby Harralson	Edward D. Pollitte
Wallace Bartley	Harold G. Helm	Paul T. Ratcliffe
Charles E. Baumgardner, Sr.	Henry R. Heyburn	Jack Raybourne, Jr.
Owen Billington	Estill R. Hilton	L. M. Tipton Reed
Leo A. Bleemel	William M. Horn	Robert Reid
J. Murray Blue	William L. Jones	Russell Reynolds
J. C. Bradley	Jennings H. Kearby	Joe Rouse
John Young Brown	Talmage Lacy	Cecil C. Sanders
Charles W. Buchanan	Harry King Lowman	Mrs. Thelma L. Stovall
Harry M. Caudill	Ralph E. McClanahan	C. Waitman Taylor
Paul Cobb	Damon Majors	Eulick Walsh
William J. Conley	William C. Mann	Will Tom Wathen
R. Josh Cosby	William J. Marcum	W. W. Webster
W. Marvin Davis	Alton B. Mitchell	William B. Wells
C. E. Dowell	Robert K. Montgomery	Mrs. Randolph Wilson
Harold Edmonds	Walter R. Moorman	T. D. Winstead
	Fred Morgan	Walker H. Wiseman

—59

Those who voted in the negative were—

John L. Day	Lon C. Hill	James Treadway
Albert Dempsey		

—4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 341. AN ACT relating to insurance and the form and provisions of disability insurance policies, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.708 of the Kentucky Revised Statutes is amended to read as follows:

Nothing in this Act shall apply to or affect (1) any policy of workmen's compensation insurance or any policy of liability insurance with or without supplementary expense coverage therein; or (2) any policy or contract of reinsurance; or (3) any blanket or group policy of insurance; or (4) life insurance, endowment or annuity contracts, or contracts supplemnetal thereto which contain only such provisions relating to accident and sickness insurance as (a) provide adidtional benefits in case of death or dismemberment or loss of sight by accident, or as (b) operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled, as defined by the contract or supplemental contract.

Section 2. Section 304.709 of the Kentucky Revised Statutes is amended to read as follows:

(1) No disability policy shall be delivered or issued for delivery to any person in this state unless it otherwise complies with this code, and complies with the following:

(a) It shall purport to insure only one person, except as to family expense insurance written pursuant to KRS 304.745.

(b) The style, arrangement and over-all appearance of the policy shall give no undue prominence to any portion of the text, and every printed portion of the text of the policy and of any

endorsement or attached papers shall be plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lower-case unspaced alphabet length of not less than one hundred and twenty-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and caption and subcaption).

(c) The exceptions and reductions of indemnity shall be set forth in the policy and, other than those contained in sections 4 to 27 of this Act, shall be printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "EXCEPTIONS," or "EXCEPTIONS AND REDUCTIONS," except that if any exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies.

(d) Each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof.

(e) It shall contain no provision purporting to make any portion of the insurer's charter, rules, constitution, or by-laws a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or shortrate table filed with the commissioner.

(2) If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public official of such other state has advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the applicable standards for disability insurance policies contained in this code.

Section 3. Section 304.712 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 304.660, each such policy delivered or issued for delivery to any person in this state shall contain the provisions as specified in sections 4 to 15 of this Act, in

the words in which the same appear; except, that the insurer may, at its option, substitute for one or more of such provisions corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision shall be preceded by the applicable caption shown or, at the insurer's option, by such appropriate individual or group caption or subcaption as the commissioner may approve.

Section 4. Section 304.714 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"ENTIRE CONTRACT; CHANGES: This policy, including the endorsements and the attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions."

Section 5. Section 304.715 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"TIME LIMIT ON CERTAIN DEFENSES: (a) After three years from the date of issue of this policy no misstatements except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such three year period."

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial three year period, nor to limit the application of sections 17, 18, 19, 20, and 21, of this Act in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium

(a) until at least age fifty or (b) in the case of a policy issued after age forty-four, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision, from which the clause in parentheses may be omitted at the insurer's option, under the caption "INCONTESTABLE":

"After this policy has been in force for a period of three years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.")

(b) No claim for loss incurred or disability (as defined in the policy) commencing after three years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.

Section 6. Section 304.716 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a provision as follows:

"GRACE PERIOD: A grace period of ———————— (insert a number not less than "7" for weekly premium policies, "10" for monthly premium poliices,and "31" for all other policies) days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force."

(2) A policy which contains a cancellation provision may add, at the end of the provision contained in subsection (1) of this section: "subject to the right of the insurer to cancel in accordance with the cancellation provision hereof."

(3) A policy in which the insurer reserves the right to refuse any renewal shall have, at the beginning of the above provision: "Unless not less than five days prior to the premium due date the insurer has delivered to the insured, or has mailed to his last address as shown by the records of the insurer, written notice of its intention not to renew this policy beyond the period for which the premium has been accepted,".

Section 7. Section 304.717 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a provision as follows:

"REINSTATEMENT: If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium, without requiring in connection therewith an application for reinstatement, shall reinstate the policy: Provided, however, that if the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the insurer or, lacking such approval, upon the forty-fifth day following the date of such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than sixty days prior to the date of reinstatement.

(2) The last sentence of the provision contained in subsection (1) of this section may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age fifty of, (2) in the case of a policy issued after age forty-four, for at least five years from its date of issue.

Section 8. Section 304.718 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a provision as follows:

"NOTICE OF CLAIM: Written notice of claim must be

given to the insurer within twenty days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at ——— ——— (Insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer."

(2) In a policy providing a loss-of-time benefit which may be payable for at least two years, an insurer may at its option insert the following between the first and second sentences of the provision contained in subsection (1) of this section:

"Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall at least once in every six months after having given notice of claim, give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which such notice is actually given."

Section 9. Section 304.719 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"CLAIM FORMS: The insurer, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within fifteen days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made."

Section 10. Section 304.720 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"PROOFS OF LOSS: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within ninety days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required."

Section 11. Section 304.721 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"TIME OF PAYMENT OF CLAIMS: Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid ———————— (insert period for payment which must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof."

Section 12. Section 304.722 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a provision as follows:

"PAYMENT OF CLAIMS: Indemnity for loss of life will be payable in accordance with the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be

payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the insurer, be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured."

(2) The following provisions, or either of them may be included with the foregoing provision at the option of the insurer:

"(a) If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding $———————— (insert an amount which shall not exceed $1000), to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the insurer to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall fully discharge the insurer to the extent of such payment."

"(b) Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical, or surgical services may, at the insurer's option and unless the insured requests otherwise in writing not later than the time of filing proofs of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person."

Section 13. Section 304.723 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"PHYSICAL EXAMINATION AND AUTOPSY: The insurer, at its own expense, shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law."

Section 14. Section 304.724 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"LEGAL ACTIONS: No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished."

Section 15. Section 304.725 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a provision as follows:

"CHANGE OF BENEFICIARY: Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy."

(2) The first clause of the provision contained in subsection (1) of this section, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option.

Section 16. Section 304.730 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 304.660, no such policy delivered or issued for delivery to any person in this state shall contain provisions respecting the matters set forth in sections 17 to 27 of this Act unless such provisions are in the words in which the same appear in the applicable section; except, that the insurer may, at its option, use in lieu of any such provision of corresponding provision of different wording approved by the commissioner which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption or, at the insurer's option, by such appropriate individual or group caption or subcaption as the commissioner may approve.

Section 17. Section 304.731 of the Kentucky Revised Statutes is amended to read as follows:

There may be a provision as follows:

"CHANGE OF OCCUPATION: If the insured be injured or contract sickness after having changed his occupation to one classified by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation."

Section 18. Section 304.732 of the Kentucky Revised Statutes is amended to read as follows:

There may be a provision as follows:

"MISSTATEMENT OF AGE: If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age."

Section 19. Section 304.733 of the Kentucky Revised Statutes is amended to read as follows:

(1) There may be a provision as follows:

"OTHER INSURANCE IN THIS INSURER: If an accident or sickness or accident and sickness policy or policies previously

issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for———————— (insert type of coverage or coverages) in excess of $———————— (insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate."

(2) Or, in lieu of the provision contained in subsection (1) of this section, there may be a provision as follows:

"Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to the one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the insurer will return all premiums paid for all other such policies."

Section 20. Section 304.734 of the Kentucky Revised Statutes is amended to read as follows:

(1) There may be a provision as follows:

"INSURANCE WITH OTHER INSURERS: If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or on an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability under any expense incurred coverage of this policy shall be for such proportion of the loss as the amount which would otherwise have been payable hereunder plus the total of the like amounts under all such other valid coverages for the same loss of which this insurer had notice bears to the total like amounts under all valid coverages for such loss, and for the return of such portion of the premiums paid as shall exceed the pro rata portion for the amount so determined. For the purpose of applying this provision when other coverage is on a provision of service basis, the 'like amount' of such other coverage shall be taken as the amount which the services rendered would have cost in the absence of such coverage."

(2) If the foregoing policy provision is included in a policy which also contains the policy provision set out in subsection (1) of KRS 304.735, there shall be added to the caption of the fore-

going provision the phrase "—EXPENSE INCURRED BENEFITS".

(3) The insurer may, at its option, include in the provision, provided in subsection (1) of this section, a definition of "other valid coverage," approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and by hospital or medical service organizations an dto any other coverage the inclusion of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employe benefit organizations. For the purpose of applying such policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute, including any workmen's compensation or employer's liability statute, whether provided by a governmental agency or otherwise, shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying such policy provision no third party liability coverage shall be included as "other valid coverage".

Section 21. Section 304.735 of the Kentucky Revised Statutes is amended to read as follows:

(1) There may be a provision as follows:

"INSURANCE WITH OTHER INSURERS: If there be other valid coverage, not with this insurer, providing benefits for the same loss on other than an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the insurer had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and for the return of such portion of the premium paid as shall exceed the pro rata portion for the indemnities thus determined."

(2) If the policy provision set out in subsection (1) of this section is included in a policy which also contains the policy provision set out in subsection (1) of KRS 304.734, there shall be added to the caption of the foregoing provision the phrase "——OTHER BENEFITS".

(3) The insurer may, at its option, include in the provision set out in subsection (1) of this section, a definition of "other valid coverage", approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employe benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute, including any workmen's compensation or employer's liability statute, whether provided by a governmental agency or otherwise, shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying such policy provision no third party liability coverage shall be included as "other valid coverage."

Section 22. Section 304.736 of the Kentucky Revised Statutes is amended to read as follows:

(1) There may be a provision as follows:

"RELATION OF EARNINGS TO INSURANCE: If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or his average monthly earnings for the period of two years immediately preceding a disability for which claim is made, whichever is the greater, the insurer will be liable only for such proportionate amount of such benefits under this policy as the amount of such monthly earnings or such average monthly earning of the insured bears to the total amount of monthly benefits

for the same loss under all such coverage upon the insured at the time such disability commences and for the return of such part of the premiums paid during such two years as shall exceed the pro rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of benefits payable under all such coverage upon the insured below the sum of two hundred dollars or the sum of the monthly benefits specified in such coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time."

(2) The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums; (a) until at least age fifty or, (b) in the case of a policy issued after age forty-four, for at least five years from its date of issue. The insurer may, at its option, include in such provision a definition of "valid loss of time coverage", approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the commissioner or any combination of such coverages. In the absence of such definition such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute, including any workmen's compensation or employers' liability statute, or benefits provided by union welfare plans or by employer or employe benefit organizations.

Section 23. Section 304.737 of the Kentucky Revised Statutes is amended to read as follows:

There may be a provision as follows:

"UNPAID PREMIUM: Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom."

Section 24. There is hereby created a new section of the Kentucky Revised Statutes to read as follows:

There may be a provision as follows:

"CANCELLATION: The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of hte insurer, stating when, not less than five days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation."

Section 25. There is hereby created a new section of the Kentucky Revised Statutes to read as follows:

There may be a provision as follows:

"CONFORMITY WITH STATE STATUTES: Any provision of this policy which, on its effective date, is in conflict with the statutes of the state in which the insured resides on such date is hereby amended to conform to the minimum requirements of such statutes."

Section 26. Section 304.740 of the Kentucky Revised Statutes is amended to read as follows:

There may be a provision as follows:

"ILLEGAL OCCUPATION: The insurer shall not be liable for any loss to which a contributing cause was the insured's commissionn of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation."

Section 27. Section 304.741 of the Kentucky Revised Statutes is amended to read as follows:

There may be a provision as follows:

"INTOXICANTS AND NARCOTICS: The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician."

Section 28. Section 304.744 of the Kentucky Revised Statutes is amended to read as follows:

The provisions which are the subject of sections 4 to 27 of this Act, or any corresponding provisions which are used in lieu thereof in accordance with such sections, shall be printed in the consecutive order of the provisions in such sections or, at the insurer's option, any such provision may appear as a unit in any part of the policy, with other provisions to which it may be logically related; provided, the resulting policy shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

Section 29. The word "insured", as used in this Act, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

Section 30. (1) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of this Act and which is prescribed or required by the laws of the state under which the insurer is organized.

(2) Any policy of a domestic insurer may, when issued for delivery in any other state or country, contain any provision permitted or required by the laws of such other state or country.

Section 31. Section 304.748 of the Kentucky Revised Statutes is amended to read as follows:

If any such policy of disability insurance contains a provision establishing, as an age limit or otherwise, a date after

which the coverage provided by the policy will not be effective, and if such date falls within a period for which premium is accepted by the insurer or if the insurer accepts a premium after such date, the coverage provided by the policy will continue in force subject to any right of cancellation until the end of the period for which premium has been accepted. In the event the age of the insured has been misstated and if, according to the correct age of the insured, the coverage provided by the policy would not have become effective, or would have ceased prior to the acceptance of such premium or premiums, then the liability of the insurer shall be limited to the refund, upon request, of all premiums paid for the period not covered by the policy.

Section 32. The following sections of the Kentucky Revised Statutes are hereby repealed: 304.713, 304.726, 304.727, 304.728, 304.729, 304.742 and 304.743.

Section 33. The provisions contained in sectionse 1 to 33 of this Act, shall take effect as of the first day of January, 1954. A policy, rider or endorsement, which could have been lawfully used or delivered or issued for delivery to any person in this state immediately before the effective date of this Act may be used or delivered or issued for delivery to any such person during three years after such effective date without being subject to the provisions of this Act.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	W. L. Hadden	Louis T. Peniston
Walter J. Bailey	C. Ruby Harralson	Edward D. Pollitte
John Rhea Banton	Harold G. Helm	Paul T. Ratcliffe
Clarence J. Barnum	Henry R. Heyburn	Jack Raybourne, Jr.
Charles E. Baumgardner, Sr.	Estill R. Hilton	Robert Reid
Owen Billington	Chester J. Holsclaw	Russell Reynolds
Leo A. Bleemel	William M. Horn	Joe Rouse
J. Murray Blue	William L. Jones	Cecil C. Sanders
John Young Brown	Jennings H. Kearby	Mrs. Thelma L. Stovall
Charles W. Buchanan	Harry King Lowman	C. Waitman Taylor
Harry M. Caudill	Shelby McCallum	Eulick Walsh
R. Josh Cosby	Ralph E. McClanahan	Will Tom Wathen
W. Marvin Davis	Damon Majors	W. W. Webster
C. E. Dowell	Alton B. Mitchell	William B. Wells
Harold Edmonds	Walter R. Moorman	Mrs. Randolph Wilson
Addison L. Everett	Fred Morgan	T. D. Winstead
Herbert Fern	Thomas J. Murphy	Walker H. Wiseman
Cabell D. Francis	Goebel W. Newsom, Jr.	Paul E. Young
	Foster Ockerman	—55

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 342. AN ACT relating to trailer coach parks.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Trailer Coach" or "Mobile Home" means any vehicle or similar portable structure used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways, and designed to permit the occupancy thereof as a dwelling place for one or more persons;

(2) "Dependent trailer coach" or "Dependent mobile house" means a trailer coach which does not have toilet and bath or shower facilities;

(3) "Independent trailer coach" or Independent mobile home" means a trailer coach with self-contained toilet and bath or shower facilities;

(4) "Trailer coach park" or "Park" means an area of land upon which two or more occupied trailer coaches are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such trailer coach parks;

(5) "Trailer coach space" or "Trailer coach site" means a plot of ground within a trailer coach park designated for the accomodation of one trailer coach;

(6) "Department" means the State Department of Health;

(7) "Board" means the State Board of Health.

Section 2. No one shall operate a trailer coach park without having first obtained a permit as provided for in this Act. An application for a permit to conduct a trailer coach park shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be prescribed. Each application shall be accompanied by a permit fee of twenty-five dollars.

Section 3. (1) Upon receipt of an application for a permit to operate, accompanied by the permit fee, the department shall issue a permit, if the trailer coach park meets the standards and requirements of this Act and the rules and regulations of the board.

(2) Anyone operating a trailer coach park which is in operation on July 1, 1954, shall be issued a permit to operate, provided that, by January 1, 1955, the trailer coach park shall comply with all requirements of sanitation established under this Act including the rules and regulations adopted therefor. However, failure to comply with the required standards within the six months period, shall result in the institution of an action for revocation or suspension of the permit.

(3) Each permit to operate, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually, upon application for a fee of ten dollars.

(4) Trailer coach parks operated by governmental agencies shall be exempt from the payment of fees and permit requirements but shall comply with all other requirements of this Act.

(5) Each permit to operate shall be issued only for the premises and persons named in the application and shall not be transferable.

(6) Permits to operate shall be posted in a conspicious place at the trailer coach park.

Section 4. No trailer coach park shall be constructed or extensively altered without a permit as provided in this Act. An application for a permit to construct a trailer coach park shall be made to the department upon forms provided by it. The application shall include plans for construction or extensive alteration and shall contain such information in regard to the proposed trailer coach park as the department may reasonably require, which may include affirmative evidence of ability to comply with requirements of this Act and standards, rules and regulations as may be lawfully prescribed hereunder. Each application for a permit to construct or extensively alter a trailer coach park shall be accompanied by a permit fee of twenty-five dollars.

Section 5. (1) The department may issue a permit to construct upon receipt of an application for a permit to construct a trailer coach park. If the application is refused, the department shall give the reasons therefor in writing to the applicant; and if the objections can be corrected, the applicant may send his application and re-submit it for approval. If a permit to construct a trailer coach park has been issued, the applicant, upon completion, shall notify the department. The department shall then inspect the trailer coach park, and, if completed in accordance with the accepted application, the department shall issue a permit to operate upon receipt of the application and permit fee required in Section 2 of this Act.

(2) No change in any sanitary facilities, methods of water supply, sewer drainage, garbage or waste disposal, and no change in the plan of any existing trailer coach park or in any proposed trailer coach park for which an application to construct has been made or permit to construct has been issued, shall be made without first making a written application to the department and receiving a written permit. The application shall be made in the manner prescribed for an original application. The change or changes shall comply with such sanitary code, rules and regulations as are applicable thereto.

(3) A permit to construct or alter a trailer coach park does not relieve the applicant from securing building permits in municipalities or counties having a building code, or from complying with any municipal or county zoning or other ordinance applicable thereto.

Section 6. (1) The department, after notice to the applicant or holder of a permit to operate and after a hearing as herein provided, is authorized to deny, suspend or revoke a permit to operate in any case where it finds that there has been a failure to comply with the requirements established under this Act.

(2) Notice of hearing shall be issued in the name of the department. It shall state the time and place of the hearing which shall not be less than thirty days from service of the notice, and shall contain a concise statement of the reason for the hearing and sufficient information to reasonably apprise the

applicant or holder of the permit of the substance of the facts claimed to constitute a violation of this Act.

(3) Service of notices may be made in the manner prescribed by law for the service of civil process, or may be made by any employe of the department personally delivering same to the applicant or holder of the permit, or by the department forwarding same to the applicant or holder of the permit by United States registered mail postage prepaid at the address of the applicant or holder as reflected by the records of the department.

(4) The hearing may be conducted by a hearing officer or a hearing committee appointed by the department. All persons appointed by the department as hearing officer or as members of a hearing committee are authorized to administer oaths, issue subpoenas for attendance of witnesses and for the production of books, papers and documents, and to cite for contempt, before the circuit or quarterly court in the county in which the hearing is held, disobedience of its process or insubordinate or disrespectful conduct.

(5) The applicant or holder of the permit proceeded against shall be known as "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the department so permits, by deposition.

(6) All decisions revoking, suspending or denying permits or applications shall be made by the department, which may review any and all orders and rulings made by a hearing officer or hearing committee, and which shall consider the entire transcript of the record of hearing that shall be prepared and furnished to the department in the event the hearing is conducted by a hearing officer or hearing committee.

(7) The department shall notify by registered United States mail postage prepaid the applicant or holder of permit of the decision of the department which decision shall become final and conclusive thirty days after notice thereof is given as above provided, unless the applicant or holder of the permit within said thirty day period, appeals to the board therefrom pursuant to Section 13 of this Act.

(8) The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the board.

Section 7. Each trailer coach park issued a permit to operate or to be constructed under the provisions of this Act shall:

(1) Comply with all local zoning regulations;

(2) Be in charge of a responsible attendant or caretaker at all times;

(3) Not allow a nuisance to be created or allow a nuisance to continue to exist in the trailer coach park;

(4) Be so located that the drainage of the park area will endanger any water supply;

(5) Be well drained;

(6) Furnish an adequate supply of water of safe, sanitary quality, approved by the department, as well as an adequate supply of hot water;

(7) Provide adequate toilet, lavatory and bathing facilities for occupants of dependent trailer coaches;

(8) Maintain buildings at a temperature of at least sixty-eight degrees Fahrenheit during the period from October 1 to May 1;

(9) Provide a laundry room or building containing laundry trays to accommodate the patrons of the trailer coach park, however no laundry trays shall be located in toilet or bathrooms;

(10) Dispose of all sewage and other water-carried wastes into a municipal sewage system whenever available; However where connections are not available, disposal shall be into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health, and is approved by the department;

(11) Permit no water or waste to fall on the ground from a trailer coach;

(12) Supply a sufficient number of adequate flyproof and watertight containers for the storage of garbage and rubbish;

(13) Dispose of garbage and rubbish in a manner which creates neither a nuisance nor a menace to health and which is approved by the department;

(14) Employ adequate insect and rodent control measures;

(15) Make all buildings fly and rodent proof and eliminate rodent harborages;

(16) When community kitchens and dining rooms are provided, maintain such facilities and equipment as are supplied, in a sanitary condition and good repair;

(17) Be subject to the rules and regulations of the State Fire Marshal;

(18) Notify immediately the local health department of any suspected communicable disease within the trailer coach park.

Section 8. When the department has approved an application for a permit to construct or make alterations upon a trailer coach park or the appurtenances thereto, or a permit to operate and maintain such a park, it shall retain the original and keep a file thereof. One copy shall be returned to the applicant or his agent; and one copy to the local health department of the county in which the trailer court park is located.

Section 9. The board is empowered to establish standards and requirements for trailer coach parks within the provision of this Act, and to promulgate rules and regulations for the administartion and enforcement of this Act and the standards and requirements established.

Section 10. Nothing in this Act should be construed to include buildings, tents, or other structures maintained by any individual or company on their own premises and used exclusively to house their own farm labor, or the area of premises on any farm upon which are harbored trailer coaches occupied by persons employed upon the farm for not more than ninety days in any calendar year in the production, harvesting or processing of agricultural products produced.

Section 11. The department shall enforce the provision of this Act and the rules and regulations adopted pursuant thereto affecting health sanitation, water supply, sewage, garbage and waste disposal, and the department shall cause to be inspected at least once each year each trailer coach park and all accommodations and facilities connected therewith. The department may carry out the provisions of this Act through the local health departments. Such officials or employes of the department and the local health departments are hereby granted the power and authority to enter upon the premises of each trailer coach park at any time for the purposes set forth in this section.

Section 12. Trailer coach parks operating only between May 1 to October 1, shall be governed by separate rules and regulations of the board if in the opinion of the board such rules and regulations are necessary.

Section 13. Any applicant or holder of a permit aggrieved by a decision of the department made in accordance with section 6 of this Act may, within thirty days after the mailing of notice of the decision as provided in section 6, prosecute an appeal therefrom to the board.

Section 14. All fees collected under the provisions of this Act shall be deposited in the State Treasury in a revolving fund for the use of the department in carrying out the provisions of this Act.

Section 15. There is hereby appropriated to the department out of the general expenditure fund in the state treasury, the sum of twenty thousand dollars for each of the fiscal years 1954-55 and 1955-56, which appropriation shall be in addition to any other appropriations made to the department.

Section16. Any person who violates any provision of this Act, shall be fined not less than ten dollars nor more than one hundred dollars. Each day of violation shall constitute a separate offense.

Section17. This Act shall become effective on July 1, 1954.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Addison L. Everett	Thomas J. Murphy
Walter J. Bailey	Herbert Fern	Goebel W. Newsom, Jr.
John Rhea Banton	Cabell D. Francis	Foster Ockerman
Clarence J. Barnum	W. L. Hadden	Louis T. Peniston
Charles E. Baumgardner, Sr.	C. Ruby Harralson	Edward D. Pollitte
Owen Billington	Harold G. Helm	Paul T. Ratcliffe
Leo A. Bleemel	Henry R. Heyburn	Jack Raybourne, Jr.
J. C. Bradley	William M. Horn	L. M. Tipton Reed
Edward T. Breathitt, Jr.	William L. Jones	Robert Reid
John Young Brown	Jennings H. Kearby	Russell Reynolds
Harry M. Caudill	Talmage Lacy	Joe Rouse
William J. Conley	Harry King Lowman	William A. Routh
R. Josh Cosby	Shelby McCallum	Cecil C. Sanders
W. Marvin Davis	Damon Majors	W. R. Smith
C. E. Dowell	William C. Mann	Mrs. Thelma L. Stovall
Harold Edmonds	Robert K. Montgomery	C. Waitman Taylor
	Walter R. Moorman	Eulick Walsh
	Fred Morgan	

Will Tom Wathen	Mrs. Randolph Wilson	Walker H. Wiseman
W. W. Webster	T. D. Winstead	Paul E. Young
William B. Wells		–58

Those who voted in the negative were—

Wallace Bartley	David Heskamp	Tom Mobley
J. Murray Blue	Lon C. Hill	Eddie J. Morris
Paul Cobb	Caleb McFadden	LeRoy Saylor
John L. Day	William E. Maglinger	E. H. Stumbo
Albert Dempsey	William J. Marcum	James Treadway
James A. Dressman, Jr.	George R. Martin	Charles W. Wirsch
O. O. Duncan	Carl D. Melton	Dr. Clyde D. Wooton
		–21

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 373. AN ACT relating to property taxation.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the year 1954 and thereafter, the compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first two million dollars and two cents on each one hundred dollars of the excess over two million dollars of the annual assessment. However, each county tax commissioner shall receive a minimum monthly payment of two hundred dollars as part or all of his compensation.

(2) In counties in which the assessed value of property exceeds eight million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies and for

other authorized expenditures two cents on each one hundred dollars of the property assessed in excess of eight million dollars but the total sum allowed to any county tax commissioner as deputy hire and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630. No state funds available to any county tax commissioner as compensation for deputies or for other authorized expenditures shall be paid without authorization of the Department of Revenue prior to the employment by the tax commissioner of deputies or other assistants or the incurring of other expense.

(3) Each county fiscal court shall annually allow and pay to the county tax commissioner for deputy allowance, supplies, maps and equipment, travel allowance for himself and his deputies, and other expenses of his office, two hundred dollars for the first million dollars of assessment and one-half of one cent for each hundred dollars of assessment in excess of one million dollars, but the total sum to be paid by the fiscal court to any tax commissioner shall not exceed ten thousand dollars. Each county tax commissioner shall, on or before December 1, file with the fiscal court a detailed report on all expenditures from funds allowed by the county and one copy of the report shall be filed with the Department of Revenue.

(4) The county tax commissioner shall not retain any part of the compensation allowed his deputies for more than thirty days, nor shall he receive for his personal services, incident to any assessment, more than $7,200. However, the maximum compensation for any county tax commissioner shall not exceed the highest compensation, including salary and fees, approved by the fiscal court for any other county official.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—71

Those who voted in the negative were—

J. Murray Blue James W. Lambert Caleb McFadden
Lon C. Hill —4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 393. AN ACT relating to per diem and expenses allowed members of county boards of education, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of ten dollars and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the expense or per diem of any member exceed two hundred dollars per annum. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

Section 2. This Act shall become effective on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
E. H. Stumbo

James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—72

There voted in the negative—

J. Murray Blue —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 154. AN ACT relating to the licensing and regulating of milk and cream buyers, testing, weighers, and samplers, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purpose of this act the following terms shall have the following meanings:

(1) "Buyer" shall include any person, partnership, corporation, association, organization or concern who receives milk or cream from producers and pays for it on basis of amount, weight or test, except that it does not include such persons as buy milk or cream for their own consumption;

(2) "Buy," "Buying" or "Bought" shall mean the purchase of non-packaged milk or cream from producers on basis of amount, weight or test;

(3) "Milk Tester" shall include any person who tests milk or cream bought by buyers from producers to determine the constituents or quality of such milk or cream and uses, or submits for use, these tests in determining the price paid for it;

(4) "Sampler and Weigher" shall include any person who samples and weighs milk or cream purchased by buyers from producers;

(5) "Licensed to Buy" means the license issued to buyers of milk or cream purchased from producers on basis of its volume, weight or test;

(6) "License to Test" means the license issued to milk and cream testers;

(7) "License to Sample and Weigh" means the license issued to samplers and weighers;

(8) "Board" means the Examining Board;

(9) "Director" means the Director of the Agricultural Experiment Station, College of Agriculture and Home Economics, University of Kentucky;

(10) "Producer" means any person, partnership, corporation, association, organization, or concern keeping milk cows for production of milk for sale or separation for the sale of cream;

(11) "Buying Location" means each separate business place where non-packaged milk or cream is purchased, such as cream buying station, milk receiving station, milk plant, creamery, cheese factory, condensery or ice cream factory;

(12) "Non-packaged Milk or Cream" means milk or cream as it is usually received from the farm before it is processed and put in bottles, cartons or other containers for consumer use;

(13) "Stamped Testware" means test bottles, test weights, and other test equipment inspected and stamped with an indelible and distinguishing mark by the Experiment Station;

(14) "Standard Testware" means test bottles, test weights, pipettes and other measuring or calibrating devices approved by the Director for use in Kentucky;

(15) "Cream Station" means a place where cream is received, weighed, sampled, consolidated and shipped to a creamery or factory;

(16) "Milk Equivalent" means the amount of whole milk required to make other dairy products; thus, to convert butterfats to milk equivalent, multiply the pounds of butterfat by 25.

Section 2. It shall be unlawful for any buyers of milk or cream to this state to:

(1) Buy milk or cream from producers without obtaining a licnse for each buying location where such milk or cream is received;

(2) To receive and pay for milk or cream on basis of weights or tests without having it weighed and sampled by a licensed weigher and sampler or tested by a licensed tester;

(3) To receive milk or cream purchased from producers by a cream station operator or milk receiving station who does not have a license to buy;

(4) Use weighing, mixing, sampling, or testing equipment which is inaccurate or non-standard;

(5) Fail to comply with such regulations for weighing, sampling and testing milk or cream as may be issued by the Director.

Section 3. Except as provided in subsection (4) of this section, it shall be unlawful for any milk sampler or weigher in this state to:

(1) Sample or weigh milk or cream without obtaining a license to sample and weigh;

(2) Inaccurately sample or weigh milk or cream;

(3) Fail to comply with such regulations for the sampling or weighing of milk or cream as may be issued by the Director;

(4) Provided, however, that any milk tester who holds a license to test or temporary permit to test may sample and weigh milk or cream according to the provisions of this Act without obtaining a license to sample and weigh.

Section 4. It shall be unlawful for any milk tester in this state to:

(1) Weigh, sample or test milk or cream bought from producers on basis of such weights or tests without obtaining a license or permit to test;

(2) To inaccurately weigh, sample, or test milk or cream;

(3) Use inaccurate unstamped or non-standard equipmnt in weighing, sampling or testing, of milk or cream.

Section 5. Each person, partnership, corporation, association, organization or concern buying non-packaged milk or cream from producers shall secure and hold a license to buy for each buying location where such milk and cream is received and combined so that individual lots lose their identity. Application for such license shall be made to the Director on a form prescribed by the Director, said application to be accompanied by the license fee provided for in Section 9 of this Act. Upon receipt of such application and fee, the Director shall issue to the buyer a license to buy milk or cream provided the buyer is in compliance with the provisions of this Act and such regulations relating to the sampling, weighing, testing or buying of milk or cream as may be issued by the Director; said license to expire on June 30 of the license year for which it is issued.

Section 6.

(1) Except as provided in subsection (2), all persons who test milk or cream bought by buyers from producers shall secure and hold a license to test.

(2) Any person who tests milk or cream bought by buyers from producers not holding a current license to test shall demonstrate his proficiency in testing by satisfactorily passing an examination prescribed by the Director. Prior to the successful completion of this examination he may apply for a temporary permit to test.

(3) Application for a license or temporary permit to test shall be on form prescribed by the Director and accompanied by the license fee or permit fee provided for in Section 9 of this Act.

Section 7.

All persons who weigh or sample milk or cream bought by

buyers from producers shall secure and hold a license to sample and weigh; provided, however, that licensed testers may sample and weight under the authority of their license to test. Application for such license shall be made on a form prescribed by the Director and accompanied by the license fee provided for in Section 9 of this Act. Upon receipt of such application and fee, the Director shall issue to the sampler and weigher a license to sample and weigh milk and cream, provided that the sampler and weigher is in compliance with the provisions of this Act and such regulations relating to weighing and sampling of milk and cream as may be issued by the Director; said license to expire on June 30 of the license year for which it is issued.

Section 8. Test equipment including test bottles, pipettes, weights, scales and other measuring or calibrating devices used in testing milk and cream under the provisions of this Act which are calibrated or adjusted so as to determine the results or accuracy of results of such test shall be inspected by the Experiment Station. Such equipment found accurate shall be stamped, sealed or permanently marked so as to be distinguishable. The charge for initial inspection of test equipmnt shall be as prescribed by the Director but not to exceed 3c per piece. Equipment to be stamped for use in Kentucky shall be limited to those items listed and described on an approved list published periodically by the Director.

Section 9. The license fees to be paid for respective licenses provided for in Sections 5, 6 and 7 of this Act shall be as follows:

(1) Buyers

(a) For cream stations—$6.00 per year for each license; provided, however, that those places beginning operation after July 1 shall pay 50c per month or fraction thereof for the months remaining in the license year ending June 30.

(b) For each creamery, milk shipping station, milk factory, cheese factory, condensery, milk processing plant, person, agent, firm, company, association or corporation an amount determined according to the following schedule:

(1) $25.00 per license for those buying less than 1,000,000 lbs. of milk equivalent during the past year;

(2) $75.00 per license for those buying more than 1,000,000 lbs. of milk or milk equivalent but less than 10,000,000 lbs. during the past year;

(3) $100.00 per license for those buying more than 10,000,000 lbs. of milk or milk equivalent during the past year;

(4) $2.10 for each month or fraction thereof remaining in the license year for the initial license of places which begin operation during the year.

(2) Testers:

License to test or temporary permit to test—$3.00

(3) Samplers and weighers—$3.00

Section 10. The Director is charged with the enforcement of this Act and may, subject to recommendation of the Board, employ all proper means to aid and assist in the enforcement of its provisions, including the revocation or suspension of a license as provided in Section 11 of this Act. The Director may delegate the administration of his responsibility, may employ such personnel as may be necessary to assist him, and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. Personnel engagd in the enforcement of this Act and duly authorized by the Director may inspect testing equipment and scales, take samples, make tests and retests and examine records of weights, tests and payments of milk and cream at licensed places. Subject to recommendations of the Board, the Director shall promulgate reasonable regulations necessary to supplement this Act relating to the buying of milk and cream, the inspecting and stamping of glassware, testware and test weights used in testing milk and cream to assure accuracy, the definition of standard testware, and the levying of an inspection and stamping charge for each item of glassware, testware, and test weights inspected and stamped, and may make other regulations reasonably calculated to promote the purposes of this Act.

Section 11. The Director may revoke or suspend any license issued under authority of this Act; provided, however, that such revocation or suspension shall occur only when the licensee has

failed to comply with the provisions of this Act or the rules and regulations issued thereunder, and provided that such revocation or suspension shall occur only upon written recommendation to the Director by the Examining Board and after the licensee has had an opportunity, upon due notice, at a hearing before said Board, to show cause why his license should not be revoked or suspended.

Section 12. Upon the revocation of any license, the licensee may within sixty days appeal the revocation order of the Director by filing suit in the Franklin Circuit Court.

Section 13. The responsibility for advising the Director concerning enforcement of this Act, for reporting violations, for conducting investigations and hearing pursuant to recommending revocation or suspension of a license, and for recommending rules and regulations to be issued by the Director, is vested in an Examining Board. The Board shall be composed of the Head of the Dairy Section, College of Agriculture and Home Economics, University of Kentucky, who shall be Chairman, and three members appointed by the Director. Two of three appointed members shall be appointed from a list of four persons nominated by the Dairy Committee of the Kentucky Farm Bureau Federation and the third appointed member shall be appointed from a list of two persons nominated by the Executive Committee of the Dairy Products Association of Kentucky. The appointed members shall serve for a term of three years and until their successors are appointed and qualify; except that the first appointments made under this Act shall be for terms of one, two, and three years respectively as the Director shall designate. The Board shall meet at such time and such place as the Chairman shall designate. Three members present at any meeting shall constitute a quorum, and upon the written request of any two members, the Chairman shall call a meeting at the time and place requested. Board members not already employed by the State shall be compensated at the rate of $7.50 per day for Board service and all members shall be reimbursed for any actual expense incurred in performing Board duties.

Section 14. All moneys resulting from the payment of license fees, inspection and stamping charges, or other charges

provided for in this Act shall be paid to the Director and shall constitute a special and separate fund which shall not lapse and which shall be expended by the Director under authority of the Board of Trustees of the University of Kentucky on proper and separate vouchers. This fund shall be used primarily for discharging expenses incurred in enforcing this Act and any portion of the fund not necessary to this purpose shall be used to support research pertaining to methods and equipment for sampling and testing dairy products or such other dairy research work as the Director may recommend.

Section 15.

(1) Any person violating or failing or refusing to comply with Section 2 or 5 of this Act shall, upon conviction, be fined $100 for the first offense and not less than $100 nor more than $1,000 for each subsequent offense.

(2) Any person violating or failing or refusing to comply with Sections 3, 4, 6, or 7 of this Act shall, upon conviction, be fined $25.00 for the first offense and not less than $50.00 nor more than $100 for each subsequent offense.

Section 16. KRS 260.170, 260.180, 260.190, 260.200, 260.210, 260.220, 260.230, 260.240, 260.250, 260.260, 260.270, and subsections (3) and (4) of 260.990 are hereby repealed.

Mr. Moorman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
R. Josh Cosby
W. Marvin Davis
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
William E. Maglinger
Damon Majors
William C. Mann
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
Cecil C. Sanders
W. R. Smith
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—66

Those who voted in the negative were—

Harold G. Helm
William J. Marcum
James Treadway
Caleb McFadden
—4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker announced the following committee to work with a like committee from the Senate on arrangements for the return ball: Mr. Montgomery, Mr. Reynolds, Mr. McClanahan, Mr. Lowman, Mr. Stumbo, Mr. Bleemel, Mr. Horn, Mr. Mobley and Mr. Everett.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing a resolution.

Said motion was agreed to.

A resolution of the following title was introduced and ordered printed and referred, viz:

By Mr. Kearby.

H. Res. No. 83. A JOINT RESOLUTION authorizing C. M. Conley and Margaret Conley to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That C. M. Conley and Margaret Conley be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate them for the injuries and damages, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, either or both, their agents, officers and employes, in construction of the by-pass to U. S. Highway No. 45 at Fulton, Fulton County, Kentucky, and the approach of Fairview Avenue at Fulton, Fulton County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $15,000.00.

Section 3. That the action herein authorized and permitted may be brought in the Fulton Circuit Court, same being the Circuit Court having jurisdiction in Fulton County, Ken-

tucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Fulton Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced in evidence, nor commented upon by counsel in argument to the jury.

Mr. Moorman moved that the House adjourn until 1:00 P. M. Thursday, March 4, 1954.

Said motion was agreed to.

And the House did then adjourn.

THURSDAY, MARCH 4, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
Charles W. Burnley, Speaker
—82

Mr. Lowman moved that the reading of the Journal of the proceedings of Wednesday, March 3, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted all absent members.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Lowman and Mr. Wathen.

H. B. No. 485. AN ACT relating to the advancement of funds from the State Treasury to pay jurors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 28.180 of the Kentucky Revised Statutes is amended to read as follows:

"Each circuit clerk shall pay to each juror the compensation allowed him by law, under appropriations provided by the General Assembly and in accordance with procedures governing expenditures from appropriations. He shall take a receipt for each payment made by him showing the date on which payment is made. For the purpose of providing for such payments, the State Treasurer, on direction of the Department of Finance, shall advance to each circuit clerk an imprest fund sufficient for the payments for a term of court or, if the court is one of continuous session, sufficient for the period of service of each grand or petit jury panel, or both, but not to exceed a period of sixty (60) days."

Section 28.190 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Each circuit clerk shall be liable on his official bond to account for the full amount advanced to him under KRS 28.180. Each circuit clerk shall file a statement with the Department of Finance, in such form as the department prescribes, showing the amounts disbursed since the last preceding report, accompanied by a receipt for each amount disbursed signed by the person to whom it was paid, and showing the date of the payment and the days of service for which payment was made, and such other information as the department prescribes. This

report shall be forwarded to the Department of Finance within twenty days after the term of court has ended, or in the case of continuous session, within twenty days after the end of the period for which funds are advanced.

"(2) Any circuit clerk who fails to comply with the provisions of subsection (1) shall be required to pay a penalty of five percent (5%) of all funds not so paid or accounted for."

By Mr. Lowman and Mr. Wathen.

H. B. No. 486. AN ACT relating to the payment of travel expensse for State Officers and Employees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 45.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided by law, each state officer or employee who is authorized by law to receive, from corporations or from the State Treasury or any fund appropriated out of the State Treasury, his traveling or other expenses incident to the discharge of his official duties, shall submit to the Department of Finance an itemized statement of such expenses, accompanied by a receipt, on a blank furnished by the Department of Finance, for each item of expense in excess of two dollars, before the Department shall audit or pay such expenses.

(2) The Department of Finance may issue rules and regulations to permit state agencies and institutions to contract with airlines, railroads, hotels or other companies for services to a group of their employees while on official travel status. Such expenses are to be submitted to the Department of Finance on forms prescribed by the Department of Finance before the department shall audit or pay such expenses.

(3) The Department of Finance may issue rules and regulations to permit state officers or employees to assign their claim for reimbursement of travel expenses to airline, railroad, hotel, or other companies in payment of services rendered as provided for in subsection (2) and as shown on the itemized

statement and receipts as provided for in subsection (1), which statement and receipts shall indicate that such company has extended credit to said officer or employee in the name of the state and incident to the discharge of his official duties.

(4) Each state officer or employee who by reason of the duties assigned to his office, is required to be at the state capital for the majority of the time, or who has an office located at the state capital, shall not be permitted to charge for expenses except from the state capital to the place where the business he is transacting is to be transacted, and from that place back to the state capital, and each officer or employee who is assigned to duty at some place other than the state capital shall only be permitted to charge to the state such expenses as are incurred in going from that place to the place where the business is transacted, and returning. Expenses in going from the state capital or the place where the officer or employee is assigned to duty to the officer's or employee's real place of residence, or in return therefrom, shall not be allowed unless it is shown that it was necessary for him to make the trip in the discharge of business for the state.

Section 2. (1) The Department of Finance may advance from the General Fund such sums as are necessary to establish an Air Travel Credit Plan or other credit plans in order to expedite the proper accounting and payment of travel expenses. No advance shall be in excess of five hundred dollars.

(2) For the purposes of subsection (1) of Section 2 of this Act, there is hereby appropriated to the Commissioner of Finance out of the General Expenditure Fund of the State Treasury, the sum of five hundred dollars for the year 1953-54.

Section 3. Whereas, the immediate adoption of this travel program is essential to the smooth administration of state government, an emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

By Mr. Lowman and Mr. Wathen.

H. B. No. 487. AN ACT to repeal, amend and re-enact Sec-

tion 176.020 of the Kentucky Revised Statutes, 1953 Edition, relating to the Department of Highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 176.020 of the Kentucky Revised Statutes, 1953 Edition, be repealed, amended and re-enacted so that when re-enacted said Section shall read as follows:

(1) The Department of Highways shall be headed by a Commissioner of Highways who shall have sole charge of the administration of the department. With prior approval of the Governor in writing, the Commissioner of Highways shall appoint as State Highway Engineer, a civil engineer who has had at least six years executive engineering experience in the design, supervision and construction of highways. He shall be the technical advisor to the Commissioner of Highways, and under the direction of the commissioner, he shall supervise all construction and maintenance work of the department and perform such other duties as are assigned to him by the commissioner.

(2) The department shall be divided into such divisions as the commissioner may deem necessary to perform the duties and functions of the department. Each division shall perform the duties assigned it by the Commissioner of Highways and shall be headed by a director who shall act under the direction and supervision of the Commissioner of Highways.

(3) All officers, assistants and employes of the department shall be paid their necessary traveling expenses while engaged in the discharge of their official and departmental duties.

By Mr. Lowman and Mr. Wathen.

H. B. No. 488. AN ACT relating to personel in State Service.

Said bill is at follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created within the Division

of Personnel a State Personnel Board, composed of three members. These members shall be citizens of the Commonwealth of Kentucky who have a known interest in the improvement of public personnel administration. No member of the Board shall hold any other state office or be employed in any other capacity of the state.

Section 2. Members of the State Personnel Board shall be appointed by the Governor. The initial appointment of members of the Board shall be for terms of two, three and four years, respectively, and such terms shall be designated by the Governor. Thereafter each appointment shall be for a term of four years, except that a person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term. Each member of the Board shall hold office until his successor is appointed and qualifies.

Section 3. The members of the State Personnel Board shall be paid twenty-five dollars per day and all necessary expenses incurred for travel, meals and lodging while attending meetings of the Board.

Section 4. The Board shall have the following duties:

(a) To prescribe policies and procedures for its own management.

(b) To represent the public interest in the improvement of public personnel administration.

(c) To make investigations which it may consider desirable concerning the administration of personnel in the state service.

(d) To submit an annual report to the Governor.

(e) To advise the Governor and the Director of Personnel on problems concerning personnel administration.

(f) To adopt a classification plan and subsequent revisions to such a plan.

(g) To adopt such rules and regulations as are necessary to carry out the provisions of the Kentucky Revised Statutes as they relate to personnel administration in the state, and to adopt such rules and regulations as are necessary to comply with the provisions of the Social Security Act, the Wagner Peyser Act, and the Public Health Service Act, and any other Federal laws with respect to personnel.

(h) To provide for the hearing of appeals and to render decisions on charges preferred against persons employed in the several departments which are included under the terms of the merit principle by State and Federal law and to provide that such employees not be discriminated against because of political or religious affiliations.

Section 5. (1) The exofficio Civil Service Commission of the Department of Fish and Wildlife Resources as provided for in Kentucky Revised Statutes 150.071 is hereby abolished and the duties heretofore performed by said Commission shall hereafter be performed by the State Personnel Board.

(2) These duties shall include:

(a) The setting of the time and place for holding examinations for the positions in the Department of Fish and Wildlife Resources. Notice of the examinations shall be given at least ten days prior to the fixed date by announcements through newspapers of the state, through press releases, and through distribution in any other manner the Board may deem necessary. Such announcements shall state a time and place, the qualifications required of applicants, and all pertinent facts relating to the positions to be filled.

(b) The Board shall establish a uniform system of grading all examinations given for the Department of Fish and Wildlife Resources, and shall, as soon as practicable after the giving of such examinations, grade the applicants and certify to the Commissioner an eligible list of all applicants so examined who have

made passing grades. The one passing the examination with the highest average grade shall be listed first and all others shall be listed numerically according to the results of the examinations.

Section 6. All functions of personnel administration now being performed by independent and semi-independent units of the Division of Personnel, unless expressly delegated, shall hereafter become an administrative function of the Division of Personnel.

Section 7. All office equipment, materials and facilities, including books and personnel records used by other state agencies in the functions of personnel administration shall, upon the effective date of this act, be transferred to and under the supervision and control of the Division of Personnel.

Section 8. The provisions of this act shall not be construed so as to alter the rights, privileges or status of any employee of the state.

Section 9. Section 150.071 of the Kentucky Revised Statutes is repealed.

Section 10. Section 42.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Personnel shall be headed by a director, who shall be chosen on the basis of training, experience and qualifications for the position and shall have had at least four years experience in personnel management or equivalent experience and shall preferably have had specialized training in personnel administration.

(2) The Director of Personnel, under the direction of the Commissioner of Finance, and in compliance with the rules and regulations as adopted by the State Personnel Board, shall:

(a) Test and pass upon the qualification of all applicants for appointment to and promotion in the various positions in the several agencies of the state government, except as otherwise provided in KRS 42.120 and 42.150.

(b) Establish employment and reemployment lists from which appointments are to be made to the various positions in the state service.

(c) Prepare and maintain a roster of all employees in the state service, showing for each employee his name, post office address, title of position held, rate of compensation, changes in status, compensation or title, transfers, sick leave and vacations, and any other pertinent facts.

(d) Ascertain the correctness and validity of all payrolls before they may be lawfully authorized for payment, or supply to another division the proper data for so doing.

(e) Ascertain and record the duties, responsibilities and authority pertaining to the various positions in the state service, and classify such positions in the manner provided in KRS 42.120.

(f) Make studies for each class of position of the rates being paid for similar or comparable services elsewhere and other information pertaining to proper rates of compensation, and prepare a schedule of compensation for each class of position with a minimum salary rate, a maximum salary rate, and such intermediate salary rates as are deemed necessary and equitable.

(g) Devise, install and administer service-rating systems and training courses for employees as far as practicable.

(h) Arrange for and pass upon transfers and regulate annual sick leaves and special leaves of absence, hours of work, layoffs and removals.

(i) Transfer employees temporarily from one department to another, when necessary to expedite the work of any department.

(j) Certify to each state agency such employees as the agency deems necessary for efficient service.

(k) Make investigations pertaining to personnel, salary scales and employment conditions in the state service.

(l) Prepare and recommend to the State Personnel Board such personnel rules and regulations as are necessary and shall administer such rules and regulations as are adopted by the Board.

(m) Attend all meetings of the State Personnel Board and act as its secretary.

Section 11. Subsection (2) of Section 42.120 is amended to read as follows:

Heads of administrative departments and divisions and their private secretaries, members of state boards and commissions, judges and clerks of courts and the employees thereof, employees of the House of Representatives and the Senate, directing heads of the state university, colleges and other state schools and all professors, teachers, and staffs in such schools shall be exempt from the tests required in this section. All other appointive officers and employees entering state employment after September 1, 1936, shall pass the required tests before they shall be eligible for appointment, except that the Division of Personnel may authorize the filling of a position at once by a provisional appointment, not renewable, for not more than six months, and may authorize temporary appointments, with or without tests and not renewable, for a period not exceeding six months.

Section 12. Section 61.110 of the Kentucky Revised Statutes is amended to read as follows:

State officers and employees who are required, in the discharge of their duties, to remain at the State Capitol more than three months in each year, may, with their families, temporarily reside at the State Capitol for any space of time during the term for which they were elected or appointed, without changing or losing their legal and permanent residence in the district and precinct in which they resided at the time of their temporary removal. Such officers and employees and their families shall for all purposes be regarded as residents of the precinct and district from which they removed. In all cases it shall be necessary for the officer or employee so intending to temporarily remove

to file and cause to be recorded, in the clerk's office of the county court of the county of his residence and in the clerk's office of the county court of Franklin County, a statement of such intention.

Section 13. This act shall take effect on July 1, 1954.

By Mr. Lowman and Mr. Wathen.

H. B. No. 489. AN ACT relating to the education of persons committed to the jurisdiction of the Department of Welfare.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A Division of Institutional Education is hereby established in the Department of Welfare. The Division shall be headed by a director who shall be appointed by and shall serve at the pleasure of the Commissioner of Welfare with compensation according to law. The division shall be responsible for establishing and maintaining suitable educational programs at institutions managed by the Department of Welfare. Such programs shall be designed as the commissioner and director may deem practicable based on the existing needs and funds available. The programs shall comply as far as practicable with the standards, rules, regulations and other requirements of the State Board of Education in order to enable the division to receive the services and assistance of the Department of Education.

Section 2. The Department of Education shall make available to the Division of Institutional Education the services now, or hereafter, rendered to the public schools of the Commonwealth. Teachers employed in any of the programs instituted pursuant to this Act shall be entitled to all the rights, privileges and benefits presently available to teachers employed by the public schools of this Commonwealth.

Section 3. No school district shall receive moneys out of the Common School Fund for the use or benefit of persons committed to the jurisdiction of the Department of Welfare.

Section 4. In lieu of the payments required to be made by the Department of Education under KRS 160.632 to school dis-

tricts furnishing school services to children committed to the jurisdiction of the Department of Welfare, the Department of Education is directed to pay out of the funds mentioned in KRS 160.632 to the Division of Institutional Education $35,000 during the fiscal year 1954-1955 and $35,000 during the fiscal year 1955-1956.

By Mr. Lowman and Mr. Wathen.

H. B. No. 490. AN ACT relating to condemnation by the Department of Highways, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 177.084, Kentucky Revised Statutes, is amended to read as follows:

Upon the application of the petitioner, and the filing of any necessary affidavits, the clerk of the court shall issue process against the owner to show cause why the petitioner does not have the right to condemn the lands, or the use and occupation thereof, and material sought to be condemned. The summons shall contain a statement of the amount of the award. The clerk shall make such orders as to non-residents and persons under disability as are required by the statutes and Rules of Civil Procedure in actions against them in circuit court, except that any warning order attorney shall make his report at the first regular term of county court 20 days after appointment, and the case may proceed accordingly.

Section 2. Subsection (1) of Section 177.087, Kentucky Revised Statutes, is amended to read as follows:

(1) Within thirty days from the date of a judgment authorizing the petitioner to take possession of the land or material, an appeal may be taken to the circuit court by either or both parties by filing with the clerk of the circuit court a certified copy of the judgment, a statement of the parties to the appeal, and any exceptions the appellant has to the award made by the commissioner. No transcript shall be required to be filed by the appellant of other parts of the record, but when an ap-

peal is filed, the clerk of the circuit court shall certify that fact to the clerk of the county court and the latter immediately shall transfer the original papers to the clerk of the circuit court. The statement of grounds of appeal of either party may be amended as provided in the Rules of Civil Procedure for the amendment of a pleading. The appeal shall be tried de novo, but shall be limited to the questions which are raised in the original exceptions or statement of the grounds of appeal, or as amended; provided, however, that in any case where the road, bridge, or other structure has not been completed by the time the action ordinarily would stand for trial on appeal, either party may file an affidavit stating that fact, and the case shall not stand for trial until such project is completed, but no trial shall be delayed for this reason beyond two years from the date of filing said affidavit. All questions of fact pertaining to the amount of compensation to the owner or owners shall be determined by a jury, which jury, on the application of either party, shall be sent by the court in the charge of the sheriff, to view the land and material. Upon an appeal to the circuit court and after a jury trial therein, and if possession of the land and material condemned has not previously been taken by the condemnor, it may do so upon payment to the owners, or to the clerk of the circuit court, the amount of the compensation adjudged by the circuit court to be due the owners and by paying all costs of the action.

Section 3. WHEREAS, the construction season is about to begin, and this Act is needed to facilitate the acquisition of right-of-way before such construction begins,

NOW, THEREFORE, an emergency is declared to exist and this Act shall become effective immediately upon its passage by the General Assembly and approval by the Governor.

By Mr. Lowman and Mr. Wathen.

H. B. No. 491. AN ACT relating to financial administration in State Government.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 41.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Unless otherwise expressly provided by law, no receipts from any source of state money or money for which the state is responsible shall be held, used or deposited in any personal or special bank account, temporarily or otherwise, by any agent or employee of any budget unit, to meet expenditures or for any other purpose. All receipts of any character of any budget unit, all revenue collected for the state, and all public money and dues to the state shall be paid promptly into the State Treasury in the form in which received through and upon the written permit of the Department of Finance, except that in the case of state departments or agencies located outside Frankfort, and all state institutions, the Department of Finance may permit temporary deposits to be made to the accounts maintained by the agency, department, or institution in a bank which has been designated as a depository for state funds for a period not to exceed thirty days, and may require that the money be forwarded to the State Treasury at the time and in the manner and form prescribed by the department. Nothing in this Section shall be construed as authorizing any representative of any agency, department, or institution to enforce or cash, even for the purpose of a deposit, any check or other instrument of value payable to the Commonwealth or any agency thereof.

(2) The Department of Finance may authorize an agency to deposit its receipts directly with the State Treasury provided that the department shall prescribe forms and reports to be filed with the department when that type of deposit is made.

(3) The State Treasurer, with the approval of the Department of Finance, may authorize an agency to deposit its receipts directly with a depository designated by the Treasury to the credit of the State Treasury provided that the Treasurer shall prescribe the manner in which the deposit is to be made, and the forms and reports to be filed with the Treasury Department. The Department of Finance shall prescribe the forms and reports to be filed with it when this type of deposit is made.

Section 2. Section 45.160 of the Kentucky Revised Statutes is amended to read as follows:

Except as deviations therefrom are made necessary by changes in conditions of operations, to meet unforeseen contingencies, to correct errors, or to avoid cash deficits, the heads of the budget units, the Department of Finance and the Governor, in allotting appropriations for expenditure, shall be governed by the work plans formulated by the heads of the budget units as shown in the detailed budget estimates as enacted by the General Assembly, and the heads of the budget units shall hold to the work plans and detailed expenditure estimates as authorized and approved on advices of allotments. The Commissioner of Finance shall make quarterly allotments of appropriations, except in the case of appropriations for the purpose of capital outlay for buildings, roads and bridges, and for printing, as provided in KRS 45.200. In any other cases where periodic allotments as provided for herein are impracticable, the department may prescribe a different period suited to the circumstances, not exceeding one year nor extending beyond the end of the biennium. The department shall have authority at any time to modify or amend any allotment previously made by it, upon application of, or upon notice to, the department or agency concerned, provided that no such modification or amendment shall reduce an allotment below the amount required to meet valid obligations or commitments previously incurred against the allotted funds. In making the allotments the expenditures to be authorized shall be classified according to purpose or type, and the funds allotted for each purpose or type of expenditure shall be used for no other purpose, except that the head of any budget unit, with the approval of the Commissioner of Finance, may transfer allotted funds from one purpose or type of expenditure to another, within the budget unit. In no case shall obligations be incurred or expenditures made in excess of the total amounts allotted. The decision of the Commissioner of Finance as to the amount of any allotment for any fiscal quarter or other period or as to the purposes for which money allotted may be expended, shall be final and conclusive.

Section 3. Subsection (2) of Section 45.231 of the Kentucky Revised Statutes is amended to read as follows:

Any claim incurred against any revolving, trust or agency fund account of any department or agency and authorized to

be paid under subsection (1) of this Section shall be charged against the current balance to the credit in such revolving, trust or agency fund account, and not the General Expenditure Fund.

Section 4. Section 45.320 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Finance shall:

(1) Within ten days after the close of each month, furnish each budget unit with copies of the department's active accounts with the appropriations and allotments in favor of that budget unit, showing all the transactions recorded in the previous month and the balances as of the beginning and end of that month.

(2) Within ten days after the close of each month, prepare and transmit to the Governor a report embodying a summary statement of the actual financial condition of each fund as of the close of the previous month, a summary statement showing the receipts and payments of each fund for the previous month and for the current fiscal year to the close of the previous month, a summary budget statement for each fund showing the available cash balance as of the end of the previous month, the amount of cash estimated to be realized from each source during the remaining months of the fiscal year, the total means of financing, the amount of the un-allotted balances of appropriations, the estimated amount of unliquidated commitments, and the estimated cash surplus or deficit.

(3) On or before January 1 of each year, file with the Governor a complete report of the financial transactions of the preceding fiscal year and of the financial condition of the state as of the end of that fiscal year, with such comments and supplementary data as it deems necessary to make the report complete and easy to understand.

Section 5. Section 45.340 of the Kentucky Revised Statutes is amended to read as follows:

Except where otherwise provided by law, checks for salaries due to public officers and employees shall be issued weekly, semi-monthly, monthly or for such other period of time not exceeding thirty days which may be designated by the Depart-

ment of Finance with the approval of the Governor. Checks shall be tendered to an officer or employee only after he has completed the work for which he is being paid and not later than fifteen days after the designated pay period.

Section 6. This Act shall take effect on July 1, 1954.

By Mr. Lowman and Mr. Wathen.

H. B. No. 492. AN ACT relating to the State Investment Commission amending KRS 41.380 and repealing KRS 41.295.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 41.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a State Investment Commission composed of the Governor, the State Treasurer, and the Commissioner of Finance. The commission shall have authority to and may invest any and all surplus funds of the state in direct obligations of the United States government, or of the Commonwealth of Kentucky. All such investments shall be obligations that will mature within five years from the date of investment.

(2) The commission shall also have authority and may, whenever in its opinion the cash in the State Treasury is in excess of the amount required to meet current expenditures, invest any and all of said excess cash in United States Treasury bills or certificates of indebtedness or any other United States government security which will mature within one year from the date of investment.

(3) Interest earned from investments made pursuant to this Section shall accrue to the credit of the General Expenditure Fund, except that interest from investments of excess cash in the Road Fund shall be credited to the Road Fund and interest earned from the investment of funds accumulated solely by means of contributions and gifts shall not be diverted to any purpose other than that stipulated by the donor, when such donor shall have designated the use to which such interest shall be placed.

(4) The authority granted by this Section to the State Investment Commission shall not extend to any funds that are specifically provided by law to be invested by some other officer or agency of the state government.

Section 2. Section 41.295 of the Kentucky Revised Statutes is repealed.

By Mr. Mann.

H. B. No. 493. AN ACT relating to pay of jurors, and amending subsections (3) and (4) of Section 29.390 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(3) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid two dollars a day for jury service, regardless of how many juries he sits on.

Section 2. Subsection (4) of Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid two dollars a day for jury service, regardless of how many juries he sits on.

By Mr. Lowman and Mr. Wathen.

H. B. No. 494. AN ACT requiring notice to the Department of Highways of claims against the Commonwealth or Department of Highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No action or other claim shall be maintained against the

Commonwealth of Kentucky or its Department of Highways because of any injury or other damages resulting from the negligent construction or maintenance of any bridge, highway, street, sidewalk, other public throughfare or drainage facilities unless notice has been given to the Commissioner of Highways or the District Engineer for the highway district wherein the damages occurred, in the manner provided for the service of notice in actions in the Rules of Civil Procedure. This notice shall be filed within ninety days of the occurrence for which damage is claimed, stating the time of and place where the injury and damages were received and the character and circumstances of the injury and damages, and that the person will claim damages therefor from the Department of Highways.

By Mr. McFadden.

H. B. No. 495. AN ACT to amend the Constitution of Kentucky to provide for a bonus for citizens of Kentucky who served as members of the armed forces of the United States in any war.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Constitution of Kentucky shall be amended by including therein the following provision:

Upon a majority vote of the qualified voters of Kentucky, taken at an election to be provided by the General Assembly, the Commonwealth shall issue bonds upon such terms as the General Assembly may prescribe to raise a sum of money sufficient in amount to pay to each member of the armed forces of the United States in any war, who at the time of service was a citizen of Kentucky, a bonus not in excess of five hundred dollars.

By Mr. Lowman and Mr. Wathen.

H. B. No. 496. AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapse in or insufficiency of former appropriations against which such claims were chargeable.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury for the purpose of compensating the persons and companies herein named for claims which have been duly audited and approved according to law but which have not been paid because of the lapsing of former appropriations against which said claims were chargeable and the cities herein named for claims arising under KRS 94.297 but which were not paid because of the insufficiency of former appropriations against which said claims were chargeable, the sums hereinafter specified.

1.	National Agricultural Supply Company, Fort Atkinson, Wisconsin	$ 58.70
2.	Plumbers Supply Company, Louisville, Kentucky	422.79
3.	Hall Seed Company, Louisville, Kentucky	69.50
4.	Central School Supply Company, Louisville, Kentucky	298.00
5.	Dr. Robert M. Sirkle, Prestonsburg, Kentucky	94.00
6.	Walter Deaton, Jackson, Kentucky	232.00
7.	City of Corbin	4,781.16
8.	City of Berea	809.16
9.	City of Morehead	6,676.49
		$13,441.80

Section 2. The persons, companies and cities above named, having in good faith furnished the services, supplies and materials indicated in Section 1 and the Commonwealth having received the benefits of same, an emergency is hereby declared

to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Majors.

H. Res. No. 84. A JOINT RESOLUTION memorializing the U. S. Congress to stress the importance of the Tennessee Valley Authority to make appropriations to continue and expand this program, and directing transmittal of copies of this resolution to U. S. Senators and Congressmen from Kentucky.

Said resolution is as follows, viz:

WHEREAS, there has been considerable speculation that the TVA program will perhaps not be continued or expanded; and

WHEREAS, the REA program is vitally dependent upon the TVA program; and

WHEREAS, the REA program was created largely for the benefit of rural people; and

WHEREAS, the REA program has been an economic life saver to the rural people of the Commonwealth by furnishing them with low cost electricity; and

WHEREAS, if the TVA program were not continued and expanded the REA program would suffer; and

WHEREAS, if the REA program suffered the rural people of the Commonwealth would suffer;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The U. S. Congress is hereby urged and memorialized to stress the importance of the Tennessee Valley Authority program, and to make appropriations to continue and expand this program.

Section 2. The Clerk of the House of the General Assembly of the Commonwealth of Kentucky shall transmit copies of this resolution to all U. S. Senators and Congressmen from Kentucky.

By Mr. Lowman and Mr. Wathen.

H. Res. No. 85. A JOINT RESOLUTION authorizing payment of a claim by the hereinafter named county clerks against the Department of Highways and the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, during the biennium 1952-1954 the hereinafter named County Clerks recorded deeds for the Department of Highways, Commonwealth of Kentucky, for the amounts stated and the said County Clerks were not reimbursed for the services rendered:

CLERK	COUNTY	AMOUNT
Ed. D. Patton	Bourbon	$ 128.00
J. B. Nichols, Jr.	Boyle	138.00
Randall B. Patterson	Calloway	56.00
J. Porter Land	Fayette	150.00
DuRan Moore	Floyd	132.00
Walter Edmondson	Gallatin	98.00
W. G. Henderson	Grayson	32.00
J. L. O'Bryan	Greenup	184.00
Ruby Middleton Ader	Harlan	60.00
Johnie Wright	Hart	448.00
Glenn A. Wilson	Henderson	231.00
W. R. Lefner	Henry	14.00
Velma Vivrette	Hickman	44.00
W. J. Bauereis	Kenton	110.00
Roy Mullins	Knott	70.00
Otis Howell	LaRue	102.00
W. H. Moore	Lawrence	144.00
Mark Clayton	Marshall	88.00
Ruby Pierce	McCracken	361.00
Austin Hill	Morgan	30.00
T. J. Niceley (ex-clerk)	Rockcastle	337.25
Hildreth Harber	Robertson	92.00
Hadley, Kenneth W.	Russell	184.50
J. W. Temple (ex-clerk)	Simpson	15.00
R. A. Magraw	Trigg	90.00
John M. Smothers	Washington	76.00
Herbert Miller	Wolfe	42.00
	Total	$3,456.75

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the amount of three thousand four hundred fifty six dollars and seventy-five cents ($3,456.75) is hereby appropriated out of the State Road Fund to reimburse the hereinabove named county clerks for the amounts stated which is considered just payment for the services rendered to the Department of Highways, Commonwealth of Kentucky during the biennium 1952-1954 for the recordation of deeds for right-of-ways obtained in the said counties by the Department of Highways, Commonwealth of Kentucky.

By Mr. McFadden, Mr. Holt, Mr. Craig and Mr. Buchanan.

H. Res. No. 86. A JOINT RESOLUTION urging the Atomic Energy Commission to locate an atomic energy installation at Keavy, Laurel County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, the Atomic Energy Commission is investigating sites for the location of new atomic energy installations; and

WHEREAS, the Federal Government is now the owner of an extensive tract of land at Keavy in Laurel County, Kentucky; and

WHEREAS, the area adjacent to Keavy is blessed with a bountiful supply of coal; and

WHEREAS, there is an abundant supply of water of good chemical content; and

WHEREAS, there is a large labor pool available for employment at such installation; and

WHEREAS, Keavy is centrally located with relation to atomic energy development and to other atomic energy facilities; and

WHEREAS, there is a genuine need for industrial development in southeastern Kentucky because of the surplus manpower available there.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Atomic Energy Commission be and it is hereby urged to locate an atomic energy installation at Keavy in Laurel County, Kentucky.

Section 2. The Clerk of the Senate shall spread this resolution upon the minutes of the Senate and shall forward copies of this resolution to President Eisenhower, to members of the Atomic Energy Commission and to the Congressional delegation from Kentucky.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Brown moved that Robert Roberts be made an honorary page.

Said motion was agreed to.

Mr. Buchanan moved that Former Governor Flem D. Sampson be given the privilege of the floor and be made an honorary page.

Said motion was agreed to.

Mr. Buchanan moved that Aubrey Chestnut and Mayor W. C. Asher be given the privilege of the floor.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed resolutions originating in that body as follows, viz:

S. Res. No. 13. A JOINT RESOLUTION authorizing and directing payment of a claim of the Louisville Sand and Gravel Company.

Said resolution is as follows, viz:

WHEREAS, in March, 1950, The Louisville Sand and Gravel

Company, Louisville, Kentucky, furnished certain materials in the amount of $163.28 to the Department of Welfare, Commonwealth of Kentucky; and

WHEREAS, due to overshipment of said materials because of a duplication of shipping orders this account has never been paid,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Department of Welfare is authorized and directed to pay to The Louisville Sand and Gravel Company, of Louisville, Kentucky, out of any funds at the disposal of the Department, the sum of $163.28 for materials furnished.

S. Res. No. 14. A JOINT RESOLUTION authorizing and directing payment of a claim of the Rowland Paper Company.

Said resolution is as follows, viz:

WHEREAS, in September, 1946, The Rowland Paper Company, of Louisville, Kentucky, furnished certain materials in the amount of $494.00 to the Kentucky Department of Highways; and

WHEREAS, through inadvertence, this account has never been paid.

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the department of Highways is authorized and directed to pay to The Rowland Paper Company, of Louisville, Kentucky, out of any funds at the disposal of the Department, the sum of $494.00, for materials furnished.

Section 2. The Statute of Limitations as now provided by law shall not be a bar to the payment of the claim authorized herein.

S. Res. No. 17. A JOINT RESOLUTION authorizing Mar-

garet Ann Minix as administratrix of the estate of W. T. Stafford, Sr., to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

BE IT RESOLVED by the General Assembly of the Commonwealth of Kentucky, that Margaret Ann Minix as Administratrix of the Estate of W. T. Stafford, Sr., be and she is hereby authorized to sue the Commonwealth of Kentucky in the Lawrence Circuit Court for damages resulting from the death of W. T. Stafford, Sr., on September 7, 1953, caused by the falling of rock, dirt and other debris against an automobile driven by Mitchell Preston and in which the said W. T. Stafford, Sr., was a passenger or a guest, on U. S. Highway No. 23, about one-half mile South of Shannons Branch, in Lawrence County, Kentucky, and caused as the said Administratrix contends by the alleged negligence and carelessness of the Department of Highways of the Commonwealth of Kentucky, its agents, servants and employees in failing to keep said highway in a proper condition for the traveling public.

Said suit shall be for a sum not in excess of Ten Thousand Dollars ($10,000.00).

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and settle it before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Road Fund upon a warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this Resolution shall not be introduced as evidence nor commented upon by counsel in the argument to the jury.

S. Res. No. 18. A JOINT RESOLUTION authorizing the personal representative of the estate of Glinnis Louise Ezell, de-

ceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representative of the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, be and they are hereby authorized, permitted and empowered to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either, in such sum as will fairly and reasonably compensate the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, for the injuries and damages, if any, sustained by said estate and said persons as a direct and proximate result of the negligence, if any, of the Department of Kentucky State Police and the Commonwealth of Kentucky, and their agents or employes.

Section 2. Said suit by the personal representative of Glinnis Louise Ezell, deceased, shall be for a sum not in excess of ten thousand dollars. Said suit on behalf of William Ezell shall be for a sum not in excess of fifteen thousand dollars. Said suit on behalf of Mary Skinner shall be for a sum not in excess of sixteen thousand five hundred dollars. Said suit in behalf of the statutory guardian of Barbara Skinner, an infant, shall be for a sum not in excess of six thousand dollars.

Section 3. That the action herein authorized and permitted may be brought in the Hopkins Circuit Court, same being the circuit court having jurisdiction in Hopkins county, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Hopkins Circuit Court to the Court of Appeals of Kentucky as in any other civil

suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence on the part of the Department of eKntucky State Police or the Commonwealth of Kentucky, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in the argument to the jury.

Section 6. That whereas it appears to be in the interest of the Commonwealth that other defendants be named co-defendants in the siuts authorized hereby and that the statutory period of limitations as to such other defendant or defendants will shortly expire, an emergency is hereby declared to exist and this resolution shall become effective from and after its passage and approval by the governor.

S. Res. No. 21. A RESOLUTION authorizing the payment to V.T.C. Lines, Inc., of Three Hundred and Forty ($340.00) Dollars, being the amount due said company for having transported members of the Kentucky National Guard during an emergency.

Said resolution is as follows, viz:

WHEREAS, an emergency existed in Harlan County, Kentucky, in January, 1946, because of a flood in said county, and

WHEREAS, because of said emergency it was necessary for members of the National Guard to make one trip to Lexington, Kentucky, and one trip to Harrodsburg, Kentucky, and

WHEREAS, Major D. E. Perkins of Harlan, Kentucky, was then the commanding officer of that unit of the National Guard, and

WHEREAS, said Major D. E. Perkins requested and demanded that V.T.C. Lines, a company engaged in the operation of bus lines in Harlan County, transport said members of the

National Guard to Harrodsburg, Kentucky, and to Lexington, Kentucky, and

WHEREAS, said V. T. C. Lines did furnish a bus for each of said two trips, and

WHEREAS, a contract was entered into between V. T. C. Lines and said Major D. E. Perkins, commander of said unit of the National Guard to the effect that said company would be paid a reasonable amount for its services, and

WHEREAS, the reasonable value of said services was One Hundred and Seventy ($170.00) Dollars per trip, and

WHEREAS, said V. T. C. Lines has never been paid any amount for such services,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the contract between V. T. C. Lines, Inc., and Major D. E. Perkins is hereby ratified and confirmed, and that the sum of three hundred and forty ($340.00) dollars with interest thereon at six (6%) percent per annum from January 15, 1946, is hereby appropriated to V. T. C. Lines, Inc., of Harlan, Kentucky, to pay said company for the reasonable value of its services in transporting members of the National Guard to and from Harlan, Kentucky; Lexington, Kentucky, and Harrodsburg, Kentucky, during time of emergency in January, 1946, and the Commissioner of Finance is directed to draw his warrant on the General Fund in favor of V. T. C. Lines, Inc., for such amount, and the Treasurer of the Commonwealth of Kentucky is directed to honor such warrant and issue check thereon.

AFFIDAVIT

Affiant, Merle Middleton, states that he is president and general manager of V. T. C. Lines, Inc., a company operating motor buses for hire, with offices in Harlan, Kentucky; that in 1946 an emergency existed in Harlan county, Kentucky, by reason of a flood; that Major D. E. Perkins, who was the commander of the local unit of the National Guard, requested him to

furnish transportation to members of that unit to Lexington, Kentucky, and to Harrodsburg, Kentucky; that the understanding between them was that the company would be reimbursed for the reasonable worth of such services; that two trips were made by bus, one to Lexington, Kentucky, and return, and one to Harrodsburg, Kentucky, and return; that the reasonable value of the services rendered was three hundred forty ($340.00) dollars, and that no payment of any amount has ever been made to affiant or his company.

Merle Middleton
President and General Manager
V. T. C. Lines, Harlan, Ky.

STATE OF KENTUCKY }
} Sct.
COUNTY OF HARLAN }

Subscribed and sworn to before me this the 7th day of February, 1952.

A. Frank Russell
Notary Public,

My commission expires the 30th day of August, 1955.

AFFIDAVIT

Affiant, D. E. Perkins, of Harlan county, Kentucky, states that he was in January, 1946, a major in the Kentucky National Guard and was commanding officer of the unit of the National Guard stationed in Harlan, Kentucky, at said time.

Your affiant further states that because of a flood that occurred in Harlan county, Kentucky, in January of 1946, an emergency existed requiring the transportation of members of the National Guard from Harlan, Kentucky, to Lexington, Kentucky, and from Harlan, Kentucky, to Harrodsburg, Kentucky. Your affiant further states that because of said emergency, your affiant did call upon V. T. C. Lines, a company engaged in the operation of buses in Harlan county, Kentucky, to transport one bus load of members of the National Guard to Lexington, Kentucky, and one bus load to Harrodsburg, Kentucky.

Affiant further states that at said time and place he did requisition two buses of V. T. C. Lines for the purposes herein-

above set out; that said buses transported National Guard personnel as hereinabove set out; and that at the time of said transportation it was distinctly understood between your affiant and said V. T. C. Lines that the bus company would be reimbursed for the reasonable value of the services so rendered. Your affiant further states that the reasonable value of the services rendered was three hundred forty ($340.00) dollars and that, so far as this affiant knows, no payment has ever been made to said V. T. C. Lines for the services performed.

D. E. Perkins

STATE OF KENTUCKY
} Sct.
COUNTY OF HARLAN

Subscribed and sworn to before me by D. E. Perkins in my state and county aforesaid, this the 8th day of February, 1952.

A. Frank Russell
Notary Public,

My commission expires the 30th day of August, 1955.

S. Res. No. 22. A RESOLUTION authorizing Nannie Mae Kelly and her husband, Herbert Kelly, to sue the Commonwealth of Kentucky and the State Fair Board, or either of them.

Said resolution is as follows, viz:

WHEREAS, on or about September 12, 1952 Nannie Mae Kelly suffered serious and disabling injuries by reason of the occurrence of a fire in the grand stand at the State Fairgrounds in Louisville and, as a result of those injuries her husband, Herbert Kelly, has lost her companionship and services and has been required to expend large sums for medical, hospital and nursing care for his wife; and

WHEREAS, there is considerable doubt as to whether the aforesaid fire and the injuries sustained by Nannie Mae Kelly as a consequence thereof were caused, brought about or contributed to by the joint and concurring negligence of the State Fair Board and Fairgrounds Speedway, Inc., the concern which had previously been in possession of the said grandstand under a lease from The State Fair Board, or whether the same were caused,

brought about or contributed to solely by reason of the independent negligence of one or the other of them; and

WHEREAS, justice requires that the above question be litigated in one forum, which is impossible under existing law because Fairgrounds Speedway, Inc., cannot be made a party to the proceedings instituted by Nannie Mae Kelly and Herbert Kelly before the Kentucky Board of Claims and the State Fair Board can obtain a dismissal of the suit instituted by them against it in the Jefferson Circuit Court; and

WHEREAS, justice further requires that Nannie Mae Kelly and Herbert Kelly be adequately compensated for their injuries in the event the State Fair Board was negligent in bringing about the injuries which they have suffered, which cannot be accomplished under existing law by reason of the monetary limit placed upon the jurisdiction of the Board of Claims by Kentucky Revised Statutes, Section 44.070;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section I. That Nannie Mae Kelly be and she hereby is authorized and permitted to sue the Commonwealth of Kentucky and the State Fair Board, or either of them, in the circuit court of Jefferson county, Kentucky in such sum as will fairly and reasonably compensate her, but not to exceed the sum of $10,000.00, for such injuries and damages as she may have sustained as a direct and proximate result of the negligence, if any, of the State Fair Board and the Commonwealth of Kentucky, through their agents and employees in causing, bringing about or contributing to the occurrence of a fire and the conditions created thereby on or about September 12, 1952, in the grandstand on the State Fairgrounds in Louisville.

Section II. That Herbert Kelly, husband of Nannie Mae Kelly, be and he hereby is authorized and permitted to sue the Commonwealth of Kentucky and the State Fair Board, or either of them, in the circuit court of Jefferson county, Kentucky, in such sum as will fairly and reasonably compensate him, but not to exceed the sum of $5,000.00, for the loss of society, com-

panionship and services of his wife and the amounts expended by him for medical, hospital and nursing care for her as a consequence of the injuries sustained by her on the occasion and under the circumstances set forth in Section I hereof.

Section III. That the statute of limitations shall not be pleaded by the Commonwealth or the State Fair Board as a defense to any suit brought pursuant to Sections I or II hereof if such suit is instituted within six months after this Act becomes effective.

Section IV. That the filing of a duly authenticated copy of this Act with the Clerk of the Jefferson Circuit Court in the action previously instituted therein by Nannie Mae Kelly and Herbert Kelly against Fairgrounds Speedway, Inc. and the State Fair Board, together with a duly authenticated copy of an order of the Kentucky Board of Claims dismissing with prejudice the claims filed therein by Nannie Mae Kelly and Herbert Kelly shall constitute compliance in full with the requirements of this Act, and no further action need be taken by Nannie Mae Kelly and Herbert Kelly in order to bring the Commonwealth of Kentucky and the State Fair Board before that court.

Section V. That any party to the actions mentioned in Sections I and II hereof may appeal from any judgment which may be rendered by the Jefferson Circuit Court to the Court of Appeals of Kentucky as in any other civil action, and the same may be settled and adjusted by and with the consent and approval of the Attorney General in the same manner and to the same extent as any private civil action may be settled or adjusted. Any amounts recovered by way of judgment or compromise shall be paid by the Commissioner of Finance by warrant drawn upon the State Treasurer and paid out of the General Fund.

Section VI. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or the State Fair Board, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. No. 23. A JOINT RESOLUTION authorizing Carl William Riedling, a resident of Eddyville, Lyon County, Ken-

tucky, to sue the Commonwealth of Kentucky, the Kentucky Department of Welfare, and the Kentucky State Penitentiary at Eddyville, Kentucky, or any one or more of them.

Said resolution is as follows, viz:

WHEREAS, the Commonwealth of Kentucky, through the Department of Welfare, maintains, operates and controls the Kentucky State Penitentiary at Eddyville, Kentucky, one of its purposes being for the confinement and guarding of prisoners of the Commonwealth of Kentucky, and

WHEREAS on May 5, 1948 Carl William Riedling became an employee of the Commonwealth of Kentucky as a guard at the Kentucky State Penitentiary at Eddyville, Kentucky, and

WHEREAS the said Carl William Riedling on July 26, 1950, while regularly engaged in his duties as a guard of the prisoners at the Kentucky State Penitentiary at Eddyville, and while he was assigned to his guard post in the wall tower of the Penitentiary, was violently attacked and injured by a number of prisoners who were attempting at the time to escape from the said Penitentiary as hereinafter stated:

On said date of July 26, 1950, the said Carl William Riedling noticed that a group of prisoners was attempting to escape. He raised his firearm to fire at the escaping prisoners. While the said Carl William Riedling was firing a shot at the prisoners, several of them threw incendiary bombs at him which bombs had been crudely made within the Penitentiary. As a result of these bombs being thrown at the said Carl William Riedling, his body and clothing burst into flames as well as did the objects within the wall tower guard post. Notwithstanding the fact that the said Carl William Riedling was in flames, he continued to fire his revolver at the escaping prisoners. At the same time his clothes, skin and hair were on fire and the heat in the wall tower was unbearable. By firing at the escaping prisoners the said Carl William Riedling stopped their escape. After having stopped the escape of the prisoners, the said Carl William Riedling patted out the fire about his face and body, and climbed outside the prison wall and took cover behind a tree for the purpose of stopping any escaping prisoners who came over the wall, the said Carl

William Riedling having his revolver with him at the time and ready to fire at the prisoners, all this notwithstanding the great injury he had received as a result of his burns.

As a result of the aforesaid attack upon him, Carl William Riedling received severe burns about his face and body which permanently scarred and disfigured him, and he suffered great pain and mental anguish as a result of the aforesaid burns. He further suffered large damages in losing much time at his work and in being caused to incur large medical and hospitalization expenses having been confined to the hospital for a period of approximately 62 days as a result of his aforesaid injuries.

WHEREAS the said Carl William Riedling was not furnished any hospitalization by the Commonwealth of Kentucky or any of its agencies, or any other compensation by the Commonwealth of Kentucky or any of its agencies, for any of his damages suffered as aforesaid, and

WHEREAS the Commonwealth of Kentucky does not have any Workmen's Compensation from which the said Carl William Riedling may receive benefits, and he has not been paid anything for the loss of his wages or permanent disfigurement, and

WHEREAS great damages have resulted to him and to his family all of which was brought about as a result of injuries which he sustained in rendering heroic and public service to the Commonwealth of Kentucky as its employee, and

WHEREAS his injuries and damages are in an amount greater than $5,000.00 and therefore his claim is not one that can be adequately brought before the Board of Claims as provided in KRS 44.070, and

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Carl William Riedling of Eddyville, Lyon county, Kentucky, be and is hereby authorized and permitted to sue the Commonwealth of Kentucky, the Department of Welfare and the Kentucky State Penitentiary at Eddyville, or any one or more of them, in the circuit court of Lyon county

or Franklin county for such damages as he suffered and sustained as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky, the Department of Welfare, the Kentucky State Penitentiary at Eddyville through their agents and employees.

Section 2. The suit of the said Carl William Riedling shall be for an amount not exceeding $8,500.00.

Section 3. The Attorney General is hereby authorized to compromise or settle this claim on behalf of the Commonwealth of Kentucky, and any settlement which may be so effected or any judgment that may be recovered against the Commonwealth of Kentucky or its agencies, shall be paid by the Department of Finance by a warrant drawn on the State Treasury and paid out of the General Fund.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. The statute of limitations shall not begin to run in favor of the Commonwealth until this Act becomes effective.

Section 6. No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

S. Res. No. 25. A JOINT RESOLUTION appropriating from the General Expenditure Fund in the State Treasury, and authorizing and directing the payment to John M. Smothers, County Court Clerk of Washington County, the sum of $80.00.

Said resolution is as follows, viz:

WHEREAS, John M. Smothers, while serving as County Clerk of Washington County, during the years 1949, 1950 did refund to Sam Nally the sum of $80.00 as payment for industrial bus license, as provided in KRS 134.580, when no such tax was due from Sam Nally; and

WHEREAS, under the provisions of Section 134.580 of the Kentucky Revised Statutes, the said John M. Smothers, as County

Court Clerk of Washington County, was entitled to receive from the State Treasurer the sum of $80.00 for such refund; and

WHEREAS, through oversight and inadvertence, the claim for such refund was not presented to the Department of Finance until after the expiration of the statutory two year period for making such claim for refunds.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $80.00 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying the claim of John M. Smothers, County Court Clerk of Washington County. The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of the said John M. Smothers, County Court Clerk of Washington County for said amount, and the State Treasurer, upon receipt of the wararnt is directed to issue a check in favor of said John M. Smothers in the amount of $80.

S. Res. No. 26. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1954 Edition.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Librarian shall purchase copies of the "Kentucky Directory, 1954" in the same quantity, for the same price, and under the same terms and conditions, and distribute the copies in the same manner and to the same persons and places, as provided in Chapter 269 of the Acts 1948 for the 1948 Kentucky Directory. Payment therefor shall be made out of the sum appropriated for that purpose for the 1954-1955 fiscal year.

S. Res. No. 29. A JOINT RESOLUTION authorizing Thomas Milton Durham, an infant, by his father and next friend, W. W. Durham, or his successor as next friend or guardian, and W. W. Durham, individually, to sue the Commonwealth of Ken-

tucky and the Department of Highways of the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, Thomas Milton Durham and W. W. Durham, his father and next friend, claim that on the 17th day of March, 1948, on Spalding Avenue, in the City of Lebanon, Marion County, Kentucky, between High Street and St. Rose Pike, in said City, a car owned by the Department of Highways of the Commonwealth of Kentucky, which at that time was driven by an employee of said department, ran against Thomas Milton Durham, an infant then four years of age, and

WHEREAS, Thomas Milton Durham and W. W. Durham, his father and next friend, claim that said collision was the direct and proximate result of carelessness and negligence on the part of the driver of said automobile, who at the time was the employee of the Department of Highways of the Commonwealth of Kentucky, and that at the time of said collision the driver of such automobile was in the line of his duty as such an employee, and

WHEREAS, said Thomas Milton Durham and W. W. Durham have sustained severe injuries and damages as the direct and proximate result of such collision,

NOW, in order that they may determine their rights by judicial action and the question of negligence, if any, causing such injury to each of them may be determined by judicial action.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That Thomas Milton Durham, an infant, by W. W. Durham, his father and next friend, or his successor as next friend or guardian, hereby are authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, either or both, in the Marion Circuit Court, for damages resulting from personal injuries and property damage, either or both, caused by alleged negligence on the part of the employee of the Department of Highways of the Commonwealth of Kentucky while said employee was in the line of duty as such employee, and for the purpose of determining the liability of the

Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, for such injuries and damage, if any, thereby arising from the above-stated facts. The limit of liability shall be fifteen thousand ($15,000.00) dollars to Thomas Milton Durham, through his next friend and/or guardian.

(2) The Attorney General of the Commonwealth of Kentucky may investigate the claims against the Commonwealth herein and settle such claims, or either of them, before or after suit is filed, if he deems it advisable. Any amount or amounts recovered in said suit or suits, after judgment or agreed upon in settlement by the Attorney General, shall be paid out of the Road Fund upon a warrant or warrants drawn by the Commissioner of Finance upon the State Treasurer.

(3) If the above said parties, or either of them, file a suit or suits and a judgment or judgments are rendered in such suit or suits, either party or parties may appeal to the Court of Appeals of Kentucky, as in other civil cases. No plea of limitation shall be interposed with reference to either suit.

(4) No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and/or the Department of Highways of Kentucky, and this resolution shall not be introduced as evidence or commented upon by counsel in argument to the jury.

S. Res. No. 31. A JOINT RESOLUTION authorizing the payment of the claim of the city of Morehead, for street paving improvement assessed against State owned property as authorized under Chapter 165, Section 8, of the Acts of 1950; and appropriating the necessary sum to pay the claim.

Said resolution is as follows, viz:

WHEREAS, the City of Morehead, Kentucky, a municipality of the fourth population class, did pursuant to KRS 94.291 to 94.450 improve by original construction and paving certain streets within its corporate limits and by ordinances duly adopted apportion the cost of such improvement against the abutting property owners, and

WHEREAS, such apportionment included 1058 lineal feet

adjacent to the public school property at a total cost of $13,676.49, consisting of 558 feet of 30 feet paving and 8 feet of side walk and 440 feet of 20 feet paving and 5 feet of side walk, and

WHEREAS, the City Treasurer presented a certification to the Department of Finance for payment of the above sum for said improvement, as provided by Chapter 165 section 8, of the Acts of 1950, on September 24, 1952 and there being only $7,000.00 appropriated for the fiscal year to pay for public improvements against property owned by the State, the Department of Finance paid to the City of Morehead the sum of $7,000.00 leaving a balance of $6,676.49 of the said claim unpaid and still due,

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT THE SUM of $6,676.49 is hereby appropriated out of the General Expenditure Fund in the State Treasury, to pay the claim of the City of Morehead for public improvement to State owned property as provided by Chapter 165, section 8 of the Acts of 1950, and the Department of Finance shall draw its warrant for such amount upon the State Treasurer, in favor of the City of Morehead.

S. Res. No. 37. A JOINT RESOLUTION authorizing and directing payment of a claim of the Kentucky Stone Company.

Said resolution is as follows, viz:

WHEREAS, in December, 1950, the Kentucky Stone Company, of Louisville, Kentucky, furnished certain materials in the amount of $343.70 to the Kentucky Department of Highways; and

WHEREAS, through inadvertence, this account has never been paid.

NOW, THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Highways is authorized and directed to pay to the Kentucky Stone Company, of Louisville, Kentucky, out of any funds at the disposal of the Department, the sum of $343.70, for materials furnished.

Section 2. The Statute of Limitations as now provided by law shall not be a bar to the payment of the claim authorized herein.

S. Res. No. 39. A JOINT RESOLUTION authorizing Howard A. See, Guardian of Garred C. See, an infant, and A. T. See, father of Garred C. See, an infant, to sue the Department of Highways and the Commonwealth of Kentucky, either or both.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Howard A. See, guardian of Garred C. See, an infant, and A. T. See, father of Garred C. See, an infant, be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate Garred C. See for the injuries and damages, if any, and A. T. See for the expenses, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents, officers and employes, in maintaining the right of way of U. S. Highway Number 23 in Lawrence county, Kentucky.

Section 2. Said suit on behalf of Garred C. See, an infant, shall be for a sum not in excess of $5,255.29, and said suit by A. T. See shall be for a sum not in excess of $2,294.71.

Section 3. That the actions herein authorized and permitted may be brought in the Lawrence Circuit Court, same being the circuit court having jurisdiction in Lawrence county, Kentucky, the county in which the damages and injuries suffered by Garred C. See were incurred, and the county in which the injuries causing the expenditures by A. T. See were incurred. Said suits shall be commenced within one year from the effective

date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to either of such actions may appeal from any judgment which may be entered by the Lawrence Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. No. 42. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission regarding the laws of Kentucky with respect to control of diseased livestock and related matters.

Said resolution is as follows, viz:

WHEREAS, many livestock and poultry diseases constitute a serious threat both to the industries and also to the health of the people of the Commonwealth; and

WHEREAS, it appears that certain of the laws now on the statute books are adequate to institute a program of control of such diseases, but are impossible of enforcement or implementation due to lack of funds; and

WHEREAS, it is possible that such a program might be financed through special taxes levied on the sale of all livestock at stockyards; and

WHEREAS, it appears that in some instances farmers of this Commonwealth have not only had to bear the economic losses arising from disease in their flocks or herds, but have also been unable to take advantage of certain favorable provisions of

the Federal Internal Revenue Code due to the lack of an active program of livestock condemnation in this State;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, in cooperation with the Commissioner of Agriculture, Labor and Statistics, the College of Agriculture of the University of Kentucky, the Commissioner of Health, and the members of any special citizens committee which the Governor may see fit to appoint for that purpose, is authorized and directed to make a careful and impartial study of the laws of this Commonwealth pertaining to control of livestock and poultry diseases, with particular respect to the various problems suggested in the preamble of this joint resolution.

Section 2. That the Legislative Research Commission shall report to the next regular session of the General Assembly its findings and recommendations with respect to such matters as it deems essential to its study, including the following:

(1) Whether or not it is desirable and feasible to establish a program for condemnation of diseased livestock or poultry by the Commonwealth, with indemnity to be paid the owner, and, if so, recommendations for financing such a program; (2) whether he laws peraining o quarantine of diseased livestock or poultry and protection of the public health from danger from such source need to be strengthened, and, if so, how; and (3) whether the laws of this Commonwealth are such as to enable Kentucky's citizens, whose flocks and herds may be ravaged by infectious disease, to take full advantage of such favorable provisions of the Federal Internal Revenue Code as may exist.

Ordered that said resolutions be printed and referred.

A message was received from the Senate that they had passed bills and resolutions originating in the House as follows, viz:

H. Res. No. 32. A CONCURRENT RESOLUTION requesting and petitioning the United States Department of Agri-

culture to provide free seeds for the restoration of pastures and meadows in Kentucky destroyed by the drought of 1953.

H. Res. No. 23. A RESOLUTION authorizing Ruby G. Wicker, personal representative of Burtis Wicker, to sue the Department of Highways and the Commonwealth of Kentucky, or either of them.

H. Res. No. 21. A JOINT RESOLUTION authorizing Margaret M. Hoppe and Carl Hoppe, Jr. of Boyle County, Kentucky, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

H. B. No. 87. AN ACT relating to deputy constables and declaring an emergency.

H. Res. No. 20. A JOINT RESOLUTION authorizing Eugene Patterson of Lexington, Fayette County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways.

H. Res. No. 25. A JOINT RESOLUTION authorizing Mitchell Preston to sue the Department of Highways and the Commonwealth of Kentucky, or either.

H. Res. No. 14. A JOINT RESOLUTION authorizing Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, of Jefferson County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Ordered that said bills and resolutions be delivered to the enrolling clerk.

REPORT OF THE ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 61. AN ACT relating to compensation for court reporters in circuit court, etc.

H. B. No. 80. AN ACT relating to traffic regulations and equipment of vehicles.

H. B. No. 144. AN ACT relating to public works in cities other than the first class, etc.

H. B. No. 159. AN ACT relating to the terms of court in the Twenty-fourth Judicial District.

H. B. No. 166. AN ACT relating to the Department of Agriculture, Labor and Statistics, etc.

H. B. No. 172. AN ACT relating to special judges, etc.

H. B. No. 190. AN ACT relating to expenses of operating motor vehicles used by county officers and employes in counties containing a city of the first class.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. No. 33. AN ACT relating to juries.

S. B. No. 54. AN ACT relating to the Department of Mental Health, etc.

S. B. No. 55. AN ACT relating to the Department of Men-

tal Health and establishing the confidential nature of certain records and reports.

S. B. No. 56. AN ACT relating to the Department of Mental Health and authorizing the designation of private homes, etc.

S. B. No. 57. AN ACT relating to the Department of Mental

S. B. No. 58. AN ACT relating to the hospitalization of mentally ill persons.

S. B. No. 59. AN ACT relating to the custody, support and treatment of incompetents.

S. B. No. 60. AN ACT relating to the inquest, commitment and discharge of incompetents.

S. B. No. 84. AN ACT relating to length of validity of recorded chattel mortgages, and amending Section 382.720 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the Senate return said bills to the Senate.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 178. AN ACT relating to loans and scholarships for the study of medicine and making an appropriation therefor.

H. B. No. 400. AN ACT relating to Workmen's Compensation.

S. B. No. 100. AN ACT relating to public printing, etc.

S. B. No. 78. AN ACT relating to contracts and separate estate of married women, amending KRS 404.010.

H. B. No. 238. AN ACT relating to unemployment insurance; amending Section 341.070 of the Kentucky Revised Statutes.

H. B. No. 470. AN ACT relating to the operation of vehicles upon city streets, and amending Section 92.320 of the Kentucky Revised Statutes.

H. B. No. 247. AN ACT relating to ad valorem taxes.

H. B. No. 434. AN ACT relating to executions on salaries and wages of persons engaged in private employment.

H. B. No. 435. AN ACT relating to executions on money due or to become due from the state, state agencies or political subdivisions, and to the execution and garnishment of money or other personalty held by public officers.

H. B. No. 439. AN ACT relating to the establishment by the Department of Welfare of five convalescent homes for the aged in five sections of the Commonwealth, providing for a revenue bond issue to finance such homes, and providing for the method of retiring such bonds.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 177. AN ACT relating to births and deaths.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 213.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The health officer or health administrator in each county shall be the local registrar of vital statistics in the county. The health officer or health administrator may appoint one or

more employes of the local health department as deputy registrars to discharge the duties of the local registrar as prescribed by law and by the rules and regulations of the State Department of Health and may, with the approval of the State Department of Health, appoint such other deputy registrars as may be necessary who need not be employes of the local health health department.

(2) If any county health department is without the services of a health officer or health administrator, the principal clerk of the health department shall be the local registrar until a health officer or health administrator is appointed.

(3) In counties in which a county department of health is not maintained the State Department of Health shall appoint a person to be the local registrar. Such person shall possess the training and qualifications prescribed by the State Department of Health, and shall hold office at the pleasure of the department; provided, however, that upon the establishment of a health department in said county, the State Department of Health shall notify the local registrar that his employment is terminated and order him to transfer all the records in his possession to the county department of health.

Section 2. Subsection (1) of Section 213.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The attending physician or midwife shall sign and file a certificate of birth with the local registrar of the district in which the birth occurred within ten days after the date of birth. The certificate shall be properly and completely filled out, and shall contain the date of signature, the address, and all the information required by this chapter. If the mother of a child informs the physician, midwife, or a person prescribed by subsection (2) of KRS 213.050 that the child was born out of wedlock, the name of the father shall not be inserted in the birth certificate and the certificate of birth of said child shall be in the surname of the mother. However, the Director of the Division of Vital Statistics shall insert the name of the father and change the name of the child to the surname of the father if paternity is established in a legal action, or if an affidavit is filed stating that the affiant is the father of the child.

Section 3. Section 213.070 of the Kentucky Revised Statutes is amended to read as follows:

Stillbirths shall be reported on a certificate prescribed by the State Department of Health which shall set forth the facts of birth and death and shall be signed by the attending physician, if any. A burial or removal permit in usual form is required.

Section 4. Subsection (1) of Section 213.150 of the Kentucky Revised Statutes is amended to read as follows:

Each physician or midwife shall be entitled to receive the sum of twenty-five cents for each certificate of birth or death properly and correctly filled out, signed and reported. Each local registrar in a county having no county health department shall be entitled to receive the sum of fifty cents for each such certificate registered with him and correctly copied and duly returned to the Division of Vital Statistics. In case no births or deaths are registered during any month, the local registrar in a county having no health department shall be entitled to receive the sum of fifty cents for each report to that effect promptly made in accordance with this chapter.

Section 5. Section 213.170 of the Kentucky Revised Statutes is amended to read as follows:

The local registrar shall supply blank forms of certificates to persons who require them. He shall carefully examine each certificate of birth, stillbirth or death when presented for record, to see that it has been properly made out. If the certificates are properly made out he shall sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each certificate, to be filed and permanently preserved in his office as the local record, in the manner directed by the Division of Vital Statistics. He shall on the first and fifteenth of each month transmit to the Division of Vital Statistics all original certificates registered by him. When a birth, stillbirth or death certificate filed with a local registrar shows the residence of the mother or the deceased to be in another county, the registrar shall mail a copy of the certificate to the local registrar of the county of residence. If no births, stillbirths or deaths occur in any month, he shall, on the first and fifteenth of each month, report that fact to the Division of Vital Statistics.

Section 6. Subsection (4) of Section 213.180 of the Kentucky Revised Statutes is amended to read as follows:

A copy of the volume or volumes containing the index list of births and deaths shall be furnished and delivered to each county health department and shall become a permanent record of the county. Any such volumes now in possession of the county court clerk may be transferred to the county health department with the approval of the county judge.

Section 7. Section 213.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Vital Statistics shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under the provisions of this chapter when the division is satisfied that the applicant has a direct, tangible and legitimate interest in the information or record requested. For such a copy the applicant shall pay a fee of one dollar. Any such certified copy shall be prima facie evidence of the facts therein stated.

(2) No fee or compensation shall be allowed or paid for furnishing certificates of birth or death required in support of any claim against the government for compensation, insurance, back pay or other allowonces of any person who has at any time served as a member of the Army, Navy, Marine Corps or Air Force of the United States.

Section 8. The Division of Vital Statistics may register delayed birth certificates for persons born in the Commonwealth prior to 1911. The facts stated in the certificate shall be supported by such evidence as is required by the regulations of the State Board of Health. Certificates shall be prepared on special forms supplied by the division. Certificates thus recorded shall be preserved and treated as all other certificates.

Section 9. This Act shall become effective July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
William A. Routh

Cecil C. Sanders	Eulick Walsh	T. D. Winstead
LeRoy Saylor	Will Tom Wathen	Charles W. Wirsch
W. R. Smith	W. W. Webster	Walker H. Wiseman
Mrs. Thelma L. Stovall	William B. Wells	Dr. Clyde D. Wooton
C. Waitman Taylor	Mrs. Randolph Wilson	Paul E. Young
James Treadway		

—80

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 206. AN ACT relating to state tuberculosis hospitals and the State Tuberculosis Hospital Commission.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Hospital" means one of the state tuberculosis hospitals performing medical or surgical treatment;

(2) "Commission" means the State Tuberculosis Hospital Commission;

(3) "District" means one of the state tuberculosis hospital districts enumerated in Section 6 of this Act;

(4) "Paying patient" means a person of any race hospitalized or seeking hospitalization in one of the hospitals who is able to pay all or any part of the hospitalization cost through insurance of any kind or by any other means;

(5) "Medically indigent patient" means a person of any race hospitalized or seeking hospitalization in one of the hos-

pitals who is unable to pay any part of the hospitalization cost because of economic conditions and personal responsibilities.

Section 2. (1) The commission shall consist of five members. The Commissioner of Welfare shall be ex officio a member and the other four members shall be appointed by the Governor. The appointed members shall be appointed for terms of four years. Any vacancy shall be filled by appointment by the Governor for the unexpired term.

(2) The commission shall annually elect a chairman from its membership, for a term of one year. The commission shall meet regularly and at the call of the chairman, or at the call of the Governor, or upon written request of two or more commission members, at such time and place as is designated in the call.

(3) The members of the commission, other than the Commissioner of Welfare, shall receive a per diem of ten dollars for each meeting attended and all members shall be reimbursed for their actual and necessary expenses in attending meetings of the commission and otherwise in performing their duties. The per diem and expenses of the commission members shall be paid out of appropriations for the ordinary recurring expenses of operating the state tuberculosis hospitals.

Section 3. (1) The commission shall have charge of the government and operation of the hospitals located in each of the districts enumerated in Section 6 of this Act and shall have authority to prescribe rules and regulations for that purpose.

(2) All funds and properties of the hospitals shall be under the management and control of the commission, subject to the provisions of Chapters 12, 41, 42 and 45 of the Kentucky Revised Statutes.

(3) The commission may receive property by legacy, conveyance or otherwise, on behalf of the Commonwealth, in aid and furtherance of the objects of the hospitals or of any individual hospital. Any donation for a specified use shall be applied to such use and no other.

(4) The commission shall furnish to the Governor an annual report covering the operations of the hospitals and such other reports as the Governor may require.

Section 4. Any appropriations made by the General Assembly, including revolving trust or agency fund appropriations, for the ordinary recurring expenses of operation of the hospitals, shall be made available to the commission. The commission, with the approval of the Commissioner of Finance, shall allocate and apportion such appropriations among the various hospitals as in its judgment will best meet the needs and purposes of the hospitals.

Section 5. The title to all property situated in Jefferson County that is used and occupied by the hospital in that county is hereby transferred to and shall hereafter be vested in the Commonwealth, and the State Board of Health shall execute such conveyance and instruments as are necessary to effectuate the record of such transfer. Such transfer shall not affect the validity of any mortgage or bonds, heretofore executed according to law, which constitute an encumbrance upon such property, and the commission shall arrange for the payment of the interest and principal of such mortgage or bonds out of any funds appropriated for that purpose.

Section 6. The state is hereby divided into six tuberculosis hospital districts, consisting of the following counties:

(1) First District: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Livingston, Caldwell, Webster, Union, Henderson, Marshall, Calloway, Crittenden, Lyon, Trigg, Christian, Muhlenberg, Hopkins, Daviess and McLean Counties;

(2) Second District: Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin, Larue, Marion, Nelson, Franklin, Henry, Carroll, Garrard, Bullitt, Jefferson, Oldham, Shelby, Spencer, Washington, Mercer, Boyle, Anderson, Woodford, Trimble, Jessamine, Lincoln and Casey Counties;

(3) Third District: Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Scott, Harrison, Bracken, Nicholas, Bourbon, Fayette, Clark, Montgomery, Bath, Fleming, Powell, Mason, Robertson, Madison, Estill and Wolfe Counties;

(4) Fourth District: Lewis, Rowan, Menifee, Elliott, Carter, Greenup, Pike, Boyd, Lawrence, Morgan, Magoffin, Johnson, Martin and Floyd Counties;

(5) Fifth District: Lee, Owsley, Jackson, Rockcastle, Pulaski, Laurel, Knox, Clay, Leslie, Perry, Harlan, Bell Whitley, McCreary, Breathitt, Knott and Letcher Counties;

(6) Sixth District: Butler, Logan, Warren, Simpson, Edmonson, Allen, Hart, Barren, Clinton, Green, Taylor, Metcalfe, Adair, Russell, Monroe, Cumberland, Todd and Wayne Counties.

Section 7. The commission shall employ and fix compensation of an executive director for the hospitals. The executive director shall make his headquarters in Frankfort and shall be authorized to employ sufficient staff to permit sound administration of the hospitals. He shall be responsible to the commission for the total administration of the hospitals, within policies established by the commission, and for other such duties as may be prescribed by the commission. The executive director shall have such qualifications as may be prescribed by the commission and the Division of Personnel Efficiency of the Department of Finance.

Section 8. (1) The commission shall employ and fix the compensation of such qualified professional, technical and administrative personnel as it deems necessary for the operation of the hospitals and may regulate the terms of service and types of duties.

(2) Physicians serving in executive capacities shall be graduates from accredited schools of medicine; have full licenses to practice medicine in the state of Kentucky, have had at least five years of clinical experience in the field of tuberculosis and be members, in good standing, of the Kentucky State Medical Association.

(3) Physicians not serving in executive capacities shall have licenses to practice medicine in Kentucky.

(4) Other professional, technical and administrative personnel serving in executive capacities shall have such professional qualifications as may be prescribed by the commission and the Division of Personnel Efficiency of the Department of Finance.

Section 9. The commission shall prescribe the method of allocation of beds and in so doing shall make available for medi-

cally indigent patients at least one-half of the accommodations. Subject to the approval of the Governor, the commission shall fix rates for hospitalization.

Section 10. (1) Subject to the provisions of Sections 9 and 11 of this Act, subsection (2) of this section, and to such rules and regulations as the commission may prescribe, any medically indigent patient or paying patient who is a resident of the hospital district, sent to the hospital by any county or city board of health physician or private physician of the hospital district, with the certification as to economic conditions and residential status by the county judge of the county of which the patient is a resident, may be admitted for treatment.

(2) Medically indigent patients and paying patients seeking admission to one of the hospitals shall have been a resident of the Commonwealth of Kentucky for a period of twelve consecutive months immediately prior to the date of application.

Section 11. Subject to the provisions of Section 9 of this Act, the commission shall establish waiting lists for each hospital whenever the number of applicants is greater than can be adequately treated.

Section 12. The commission shall have authority to transfer patients, whether medically indigent patients or paying patients from one hospital to another when such transfer better serves the needs of the patients.

Section 13. The cost of transporting paying patients from the place of their residence to any of the hospitals shall be paid by themselves or by their friends or relatives. The cost of transporting medically indigent patients from the place of their residence to the hospital for hospitalization, for out-patient care or from one hospital to another shall be paid by the fiscal court of the county of which they are resident.

Section 14. Sections 215.065 to 215.072 and 215.076 to 215.079 of the Kentucky Revised Statutes are hereby repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Craig	Shelby McCallum
Walter J. Bailey	W. Marvin Davis	Caleb McFadden
John Rhea Banton	John L. Day	Damon Majors
Clarence J. Barnum	Albert Dempsey	William J. Marcum
Wallace Bartley	C. E. Dowell	George R. Martin
Charles E. Baumgardner, Sr.	James A. Dressman, Jr.	Carl D. Melton
Leo A. Bleemel	O. O. Duncan	Tom Mobley
J. C. Bradley	Herbert Fern	Robert K. Montgomery
Edward T. Breathitt, Jr.	Cabell D. Francis	Walter R. Moorman
Edward O. Bridgers	W. L. Hadden	Fred Morgan
John Young Brown	George F. Harris	Eddie J. Morris
Charles W. Buchanan	David Heskamp	Thomas J. Murphy
Harry M. Caudill	Lon C. Hill	Goebel W. Newsom, Jr.
Cassius M. Clay	Estill R. Hilton	Foster Ockerman
Paul Cobb	Chester J. Holsclaw	Louis T. Peniston
William J. Conley	Varna Holt	Edward D. Pollitte
R. Josh Cosby	William M. Horn	Paul T. Ratcliffe
Vernor O. Cottengim	Jennings H. Kearby	Jack Raybourne, Jr.
	Talmage Lacy	Robert Reid
	James W. Lambert	Russell Reynolds
	Harry King Lowman	

William A. Routh	James Treadway	T. D. Winstead
Cecil C. Sanders	Eulick Walsh	Charles W. Wirsch
LeRoy Saylor	Will Tom Wathen	Walker H. Wiseman
W. R. Smith	W. W. Webster	Dr. Clyde D. Wooton
Mrs. Thelma L. Stovall	William B. Wells	Paul E. Young
C. Waitman Taylor	Mrs. Randolph Wilson	—76

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 303. AN ACT relating to assistant attorneys general.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 15.100 is amended to read as follows: "In addition to the departmental assistant attorneys general hereinafter provided for, the Attorney General may appoint eight assistant attorneys general, one of whom shall be designated First Assistant Attorney General. They shall perform such duties as are assigned them by the Attorney General in furtherance of the discharge of his duties. The First Assistant Attorney General shall, in the absence or sickness of the Attorney General, perform the duties of the latter."

Section 2. (1) The Attorney General shall appoint, with the approval of the appropriate Commissioner or Commission, as the case may be, an assistant attorney general for each of the following departments: Public Service Commission, Railroad Commission, Department of Revenue, Department of Finance.

(2) The Attorney General shall appoint, with the approval of the Commissioner of Highways, one Chief Assistant Attorney General and three additional assistant attorneys general for the Department of Highways.

(3) Each assistant attorney general appointed under the provisions of this Section shall represent and appear for the department to which he has been assigned. He shall be the legal adviser of such department and shall represent it in any litigation unless it is otherwise represented under the provisions of KRS 12.210. He shall devote his time to the legal affairs of such department to the extent required by such duties, but may, under the direction of the Attorney General, perform other duties connected with the Office of the Attorney General when not occupied by departmental duties.

(4) The salaries and expenses of the assistant attorneys general appointed for individual departments shall be paid out of the appropriations made to those departments respectively, unless otherwise specifically appropriated by the General Assembly. The respective departments shall furnish offices and necessary secretarial assistance. The assistant attorney general assigned to the Railroad Commission shall be entitled to the services of a stenographer at a salary of not less than $2,100.00 per annum, to be determined by the Commission with approval of the Attorney General.

Section 3. No person shall serve as assistant attorney general unless he shall be licensed to practice law in this state. The First Assistant Attorney General shall possess the same qualifications which are established for the Attorney General.

Section 4. Each assistant attorney general shall serve not longer than the term of the Attorney General making the appointment unless sooner removed by him.

Section 5. Nothing in this Act shall be construed to limit the authority of the Attorney General to appoint, with the approval of the Governor and subject to budget limitations special assistant attorneys general for special purposes.

Section 6. KRS 15.110, KRS 15.115, KRS 15.120, KRS 15.140 and KRS 15.145 are hereby repealed.

Mr. Wathen offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 3, by deleting all of lines 13 to 16 inclusive and substituting in lieu thereof the following:

"department to which he has been assigned. Except as provided in KRS 12.210 and 12.220, he shall be the legal adviser to such department and may represent it in any litigation. He shall devote his time to the legal affairs"

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Clarence J. Barnum	Leo A. Bleemel
Walter J. Bailey	Wallace Bartley	Edward T. Breathitt, Jr.
John Rhea Banton	Charles E. Baumgardner, Sr.	Edward O. Bridgers

John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
W. Marvin Davis
C. E. Dowell
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
Harold G. Helm
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
Harry King Lowman
Shelby McCallum
Damon Majors
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Hobart Rayburn
Russell Reynolds
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young

—50

Those who voted in the negative were—

Paul Cobb
Charles W. Craig
John L. Day
Albert Dempsey
James A. Dressman, Jr.
O. O. Duncan
David Heskamp
Lon C. Hill
Varna Holt
Jennings H. Kearby
Caleb McFadden
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Eddie J. Morris
Goebel W. Newsom, Jr.
Robert Reid
LeRoy Saylor
W. R. Smith
E. H. Stumbo
James Treadway
Charles W. Wirsch
Dr. Clyde D. Wooton

—24

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 185. AN ACT relating to county alcoholic beverage control administrators.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 241.110 of the Kentucky Revised Statutes is hereby repealed and re-enacted and when so re-enacted shall read:

(1) The fiscal court of any county in which traffic in alcoholic beverages is not forbidden under KRS Chapter 242 may by resolution declare that regulation of the traffic in that county is necessary. The county judge shall thereupon constitute a county alcoholic beverage control administrator for the county. However, the county judge may decline to accept said office, or after accepting same he may resign therefrom, and in either event, notwithstanding the provisions of KRS 241.120 to and including KRS 241.150, he may thereupon appoint a person at least thirty years of age, who at the time of his appointment has been a citizen of the state and a resident of that county for at least two years next preceding the date of appointment, and who is able to qualify to serve at the pleasure of the county judge as county alcoholic beverage control administrator for such county. Before entering upon his duties as such county alcoholic beverage control administrator appointed by the county judge the appointee shall take the oath prescribed by Section 228 of the Constitution and execute a bond with a good corporate surety in the penal sum of one thousand dollars. The cost of the bond shall be borne by the county. Upon the qualification of such person as county alcoholic beverage control administrator for such county, he shall immediately notify the board.

(2) The functions of such county alcoholic beverage control administrator, appointed by the county judge, shall be the same as set out in KRS 241.140.

(3) The compensation of such county alcoholic beverage control administrator, appointed by the county judge, shall be fixed by the fiscal court in accordance with KRS 64.530. The county judge may also appoint such investigators and clerks as are deemed necessary for the proper conduct of such county alcoholic beverage control administrator's office, their salaries

likewise shall be fixed by the fiscal court pursuant to KRS 64.530, and they will serve at the pleasure of the county judge

(4) No person shall be a county alcoholic beverage control administrator, as herein provided for, an investigator or an employee of the county under the supervision of such county alcoholic beverage control administrator, who would be disqualified to be a member of the board under KRS 241.100.

(5) The said county alcoholic beverage control administrator, appointed by the county judge, and his investigators, shall have full police powers of peace officers, and their jurisdiction shall be over the unincorporated areas of such county and within the corporate limits of any city therein not having its own administrator. They may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

(6) Appeals from any order of such county alcoholic beverage control administrator, appointed by the county judge, shall be made pursuant to KRS 241.150.

Mr. Bridgers moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	James A. Dressman, Jr.	Edward D. Pollitte
Walter J. Bailey	O. O. Duncan	Paul T. Ratcliffe
John Rhea Banton	Addison L. Everett	Jack Raybourne, Jr.
Clarence J. Barnum	Cabell D. Francis	Hobart Rayburn
Wallace Bartley	W. L. Hadden	Robert Reid
Charles E. Baumgardner, Sr.	David Heskamp	Russell Reynolds
Leo A. Bleemel	Estill R. Hilton	Lloyd E. Rogers
Edward T. Breathitt, Jr.	Chester J. Holsclaw	William A. Routh
Edward O. Bridgers	William M. Horn	Cecil C. Sanders
John Young Brown	Jennings H. Kearby	W. R. Smith
Charles W. Buchanan	Talmage Lacy	Mrs. Thelma L. Stovall
Harry M. Caudill	Harry King Lowman	C. Waitman Taylor
Cassius M. Clay	Shelby McCallum	James Treadway
William J. Conley	Damon Majors	Eulick Walsh
R. Josh Cosby	George R. Martin	Will Tom Wathen
Charles W. Craig	Tom Mobley	W. W. Webster
W. Marvin Davis	Robert K. Montgomery	William B. Wells
John L. Day	Walter R. Moorman	Mrs. Randolph Wilson
Albert Dempsey	Fred Morgan	T. D. Winstead
C. E. Dowell	Eddie J. Morris	Charles W. Wirsch
	Thomas J. Murphy	Walker H. Wiseman
	Foster Ockerman	Paul E. Young
	Louis T. Peniston	—65

Those who voted in the negative were—

Harold G. Helm	Caleb McFadden	Alton B. Mitchell
Lon C. Hill	William C. Mann	LeRoy Saylor
Varna Holt	William J. Marcum	Dr. Clyde D. Wooton
James W. Lambert	Carl D. Melton	—11

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 298. AN ACT relating to the Department of Finance.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 42.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Finance shall be headed by a Commissioner of Finance and shall be divided for administrative purposes into a Division of the Budget, a Division of Accounts, a Division of Purchases, a Division of Personnel, and a Division of Services.

(2) The Commissioner of Finance shall be the chief financial officer of the state and the advisor of the Governor and the General Assembly in financial matters, and shall at all times protect the financial interests of the state. He shall be responsible to the Governor for the administration of the department.

(3) The Commissioner of Finance may designate a deputy commissioner of finance who shall have such administrative authority to sign for the commissioner as the commissioner designates in writing. The deputy commissioner may be a director of one of the divisions of the Department of Finance.

Section 2. Section 42.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Accounts shall be headed by a controller, preferably a certified public accountant, who has had substantial experience during the preceding four years in Federal, state or local accounting or auditing.

(2) The Division of Accounts shall perform such record-keeping functions as the Commissioner of Finance directs. In general, the functions outlined in KRS 45.300 and 45.320 shall be performed by this division, but the division shall maintain

such additional records and prepare such additional reports as the Commissioner of Finance requires

Section 3. Section 42.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Purchases shall be headed by a purchasing agent, who has had four years of responsible experience in purchasing or equivalent experience.

(2) The Division of Purchases, under the direction of the Commissioner of Finance, shall purchase for the combined requirements of all spending agencies of the state all supplies, materials, and equipment, except library books and scientific equipment, or shall control or delegate the purchase thereof. The division shall have supervision over all purchases by the various spending agencies, except as otherwise provided by law, and may prescribe rules to govern purchasing by or for all such agencies, subject to the approval of the Commissioner of Finance; and no purchase or contract shall be binding on the state or any agency thereof unless approved by the division or made under general regulations which the Department of Finance may prescribe. The division shall maintain perpetual inventories of plant and equipment. It shall have power, with the approval of the Commissioner of Finance, to transfer between departments, to salvage, to exchange, and to condemn supplies and equipment. It shall sell all property (including real estate) of the state determined, with the approval of the Commissioner of Finance and the Governor, not to be needed for public use or to have become unsuitable for such use. All deeds covering the sale of real estate shall be executed and signed by the Commissioner of Finance and approved and signed by the Governor. It shall purchase all property (including real estate) determined to be needed for state use, upon the approval of the Commissioner of Finance and the Governor as to the determination of need and as to the action of purchase. Nothing in this provision shall affect the power now vested by existing law for the purchase of real estate by state agencies or divisions thereof. It shall fix standards of quality and quantity, and shall develop standard specifications in consultation with the several spending agencies of the state. It shall maintain records of supplies for various

classes of purchases, unit costs under contracts, trends of prices and costs, and other matters incident to performance of its functions as the Commissioner of Finance directs. It shall attempt in every practicable way to insure the state's supplying its real needs at the lowest possible cost.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

The Division of Services, under the direction of the Commissioner of Finance, shall:

(1) be responsible for the custody, management, operational maintenance and opeartion of all buildings and grounds owned or leased for the use of state departments and agencies located at the seat of state government, except buildings and grounds maintained for the exclusive use of any one agency. This includes authority to employ guards and night watchmen, who shall have the powers of peace officers to enforce KRS 433.500. It may, by agreement with any other department or agency of state government responsible for the operation and maintenance of buildings and grounds, provide custodial and maintenance services and may for rendering such services charge the reasonable costs thereof.

(2) operate a mail and messenger service for all departments and agencies located at the seat of state government and shall handle all postage for such departments and agencies, so far as practicable, by postage meter, and may maintain a central supply service to supply supplies and equipment for all state agencies.

(3) provide such duplicating, plate making and minor printing services to other state agencies as can practicably and economically be rendered by means of available types of office equipment.

(4) perform such other duties and functions for which the Department of Finance is responsible as shall be delegated and assigned to the division by the Commissioner of Finance.

Section 5. Section 42.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any officer, agent or employee of the Department of Fiance who willfully fails or refuses to comply with any of the provisions of KRS 42.160 shall be subject to indictment in the Franklin Circuit Court and, upon conviction, shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each offense.

(2) Any violation of KRS 42.070 shall be punished by a fine of not more than five thousand dolars ($5,000.00) or by a prison sentence of not more than five years (5), or by both fine and imprisonment in the discretion of the jury.

(3) Any employee of the Division of Purchases, or any official of the Commonwealth of Kentucky, elective or appointive, who shall take, receive, or offer to take or receive, either directly or indirectly, any rebate, percentage of contract, money, or other thing of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, for, or to, or from, any person, partnership, firm, or corporation, offering, bidding for, or in open market seeking to make sales to the Commonwealth of Kentucky, shall be deemed guilty of a felony and upon conviction such person or persons shall be punished by a fine not to exceed five thousand dollars ($5,000.00) or by imprisonment in the penitentiary for not more than ten years, or both so fined and imprisoned in the discretion of the jury.

(4) Every person, firm, or corporation offering to make, or pay, or give, any rebate, percentage of contract, money or any other thing of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, to any employee of the Division of Purchases or to any official of the Commonwealth, elective or appointive, in his efforts to bid for, or offer for sale, or to seek in the open market, shall be deemed guilty of a felony and shall be punished by a fine not to exceed five thousand dollars ($5,00000) or by imprisonment in the penitentiary for not more than ten years (10), or both so fined and imprisoned in the discretion of the jury.

(5) Provided, however, that nothing in subsections (3) or (4) of this section shall prevent any public official from pursuing the occupation in which he was engaged at the time of his ap-

pointment or election even though the pursuit thereof should include the legitimate solicitation of business from the Commonwealth of Kentucky, either for a salary or a commission.

Mr. Buchanan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
William E. Maglinger
Damon Majors
William C. Mann
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan

Eddie J. Morris	Hobart Rayburn	W. W. Webster
Thomas J. Murphy	Robert Reid	Mrs. Randolph Wilson
Goebel W. Newsom, Jr.	Russell Reynolds	T. D. Winstead
Foster Ockerman	Lloyd E. Rogers	Charles W. Wirsch
Louis T. Peniston	William A. Routh	Walker H. Wiseman
Edward D. Pollitte	Cecil C. Sanders	Dr. Clyde D. Wooton
Paul T. Ratcliffe	C. Waitman Taylor	Paul E. Young
Jack Raybourne, Jr.	Eulick Walsh	
	Will Tom Wathen	—66

Those who voted in the negative were—

Albert Dempsey	Carl D. Melton	James Treadway

—3

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 221. AN ACT relating to local public health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Upon request of any county or city-county board of health except in counties containing a city of the first class, the fiscal court of the county shall adopt a resolution submitting to the qualified voters of the county, the question as to whether a public health taxing district shall be established for the county. A certified copy of the order of the fiscal court shall be filed with the county clerk at least forty-five days prior to the next regular election and thereupon the county clerk shall cause the question to be placed upon the ballot. The question shall be in the following form: "Are you in favor of establishing a public health taxing district for (insert name of county) county which shall have the authority to impose a special ad valorem tax for the

maintenance and operation of the (insert name of county or city-county) health department, provided that such special tax shall not exceed (insert amount) cents on each one hundred dollars of the assessed valuation of all property in the district?" If a majority of those voting on the question favor the establishment of a public health taxing district for the county it be so established and shall constitute and be a taxing district within the meaning of Section 157 of the Constitution of Kentucky. The members of the county or city-county board of health shall, by virtue of their office, constitute and be the governing body of the public health taxing district and shall perform the duties attendant thereto in addition to their duties as members of the county or city-county board of health The officers of the county- or city-county board of health shall be the officers of the public health taxing district.

Section 2. If, after the establishment of the public health taxing district, as provided in Section 1 of this Act, the tax levying authorities of the district, in the opinion of the county or city-county board of health, do not appropriate an amount sufficient to meet the public health needs of the county or the city-county health department or do not appropriate an amount sufficient to meet the standards prescribed by the State Board of Health for health departments, the county or city-county board of health, acting as the governing body of the taxing district, shall with the approval of the State Department of Health, impose by resolution a special ad valorem public health tax in such amount that it deems sufficient, but not in excess of the maximum amount approved by the electorate as provided for in Section 1 of this Act. The fiscal court shall upon receipt of a duly certified copy of said resolution, include in the next county ad valorem tax levy said special public health tax imposed by the county or city-county board of health which shall be in addition to all other county ad valorem taxes. Said special public health tax shall be collected in the same manner as are other county ad valorem taxes and turned over to the county or city-county board of health to be used solely for the maintenance and operation of the county or city-county health department.

Section 3. The special ad valorem tax rate for the main-

tenance and operation of the county or city-county health department provided for by Section 1 of this Act shall not be increased unless same is submitted to the voters of the county at a general election and approved by a majority of the votes cast on the issue. The county or city-county board of health may file a duly certified copy of its resolution with the county court clerk at least forty-five days prior to said election and the county court clerk shall thereupon cause the question to be placed upon the ballots in the following form: "Are you in favor of increasing from (insert amount) cents to (insert amount) cents on each one hundred dollars of the assessed valuation of all property in the (insert name of county) county public health taxing district the maximum tax which the district can impose for the maintenance and operation of (insert name of county or city-county) health department?" The tax authorized by this Section shall be collected in the same manner as are other county ad valorem taxes and shall be turned over to the county or city-county board of health as the governing body of the taxing district. The tax authorized by this Section shall be in addition to all other county ad valorem taxes.

Section 4. Section 212.150 of the Kentucky Revised Statutes is repealed.

Mr. Wathen offered the following amendment and moved its adoption.

Amendment No. 1—on page 2, section 1, line 18, By inserting the word "shall" between the words "county" and "it" so that the entire line after amendment will read as follows: "ment of a public health taxing district for the county it shall be so".

Said motion was agreed to.

Said amendment adopted.

Mr. Wathen offered the following amendment and moved its adoption.

Amendment No. 2—On pages 3 and 4, section 3, line 1-21, By striking Section 3 in its entirety and substituting the following in lieu thereof: "Section 3. The special ad valorem tax rate for the maintenance and operation of the county or city-county health

department provided for by Section 1 of this Act shall not be increased or decreased unless same is submitted to the voters of the county at a general election and approved by a majority of the votes cast on the issue. The county or city-county board of health or any 100 qualified voters of the county may file a duly certified copy of a resolution or petition with the county court clerk at least forty-five days prior to said election and the county court clerk shall thereupon cause the question to be placed upon the ballots in the following form: "Are you in favor of increasing (or decreasing) from (insert amount) cents to (insert amount) cents on each one hundred dollars of the assessed valuation of all property in the (insert name of county) county public health taxing district the maximum tax which the district can impose for the maintenance and operation of (insert name of county or city-county) health department?" The tax authorized by this Section shall be collected in the same manner as are other county ad valorem taxes and shall be turned over to the county or city-county board of health as the governing body of the taxing district. The tax authorized by this Section shall be in addition to all other county ad valorem taxes."

Said motion was agreed to.

Said amendment adopted.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
C. E. Dowell
Harold Edmonds
Cabell D. Francis
George F. Harris
Estill R. Hilton
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
William E. Maglinger
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
—49

Those who voted in the negative were—

Wallace Bartley
Harry M. Caudill
Paul Cobb
W. Marvin Davis
John L. Day
Herbert Fern
Harold G. Helm
David Heskamp
Lon C. Hill
Varna Holt
William M. Horn
Caleb McFadden
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
LeRoy Saylor
James Treadway
Mrs. Randolph Wilson
Dr. Clyde D. Wooton
—28

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 394. AN ACT relating to the terms of court in Marshall County Circuit Court.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In addition to the terms of court prescribed by KRS 23.050 (2) and an Act of the 1954 General Assembly entitled "AN ACT relating to judicial districts; creating an additional district and making changes in the apportionment of counties to the Second, Third and Fourth Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts; providing for the continuation in office of the present circuit judges and Commonwealth's attorneys and creating the offices of circuit judge and Commonwealth's attorney for the new district established by this Act; providing for the holding of court in each district affected by this Act; and amending Sections 23.040 and 23.050 of the Kentucky Revised Statutes, effective June 28, 1954, there shall be a regular term of circuit court in Marshall county, for the year 1954 only, commencing on the first Monday in July, 1954, and continuing, if the business requires it, for eighteen juridical days.

Mr. McCallum moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Alton B. Mitchell
Tom Mobley
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—71

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in that body as follows, viz:

S. Res. No 40. A JOINT RESOLUTION commending the Department of Fish and Wildlife Resources for exceptionally meritorious services rendered to the citizens of the Commonwealth of Kentucky in the protection, conservation and development of wildlife.

Said resolution is as follows, viz:

WHEREAS, the Department of Fish and Wildlife Resources was established to protect and propagate the animals, birds and fish of this great Commonwealth, to ensure a continuing supply of game for the sport and recreation of present citizens of the Commonwealth and for generations to come;

WHEREAS, the Department of Fish and Wildlife Resources is operated by public-spirited sportsmen and officials of the Commonwealth, who have evidenced great vision and devotion to duty in the attainment of these objectives, and is financed by the sale of hunting and fishing licenses to sportsmen, who benefit immeasurably from its services;

WHEREAS, the Department of Fish and Wildlife Resources has successfully ended the depletion of the Commonwealth's great wealth of wildlife resources, and has assured an abundance of wildlife through the protection of these irreplacable natural resources;

WHEREAS, the commendable success of this work is reflected in the fact that Kentucky's fish and wildlife program is now rated seventh in the entire Nation, after being rated thirty-eight among the States only a decade ago, and is held to be the best-rounded program in the United States;

WHEREAS, the Youth Conservation Education Program operated by the Department received a national award last year in recognition of its excellence;

WHEREAS, the Commonwealth now has the outstanding farm pond program in the Nation, and has created a better supply of game on farms by raising and distributing millions of plants as cover crops for animals and birds;

WHEREAS, the Department of Fish and Wildlife Resources operates a State Game Farm, whereupon thousands of birds, pheasants, raccoons and other species of wildlife are bred and released to the public, and which constitutes the largest quail rearing farm in the world;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Fish and Wildlife Resources, members of the commission and other public-spirited officials and employees of the Department of Fish and Wildlife Resources be commended by this body for their devotion to the task assigned to them, and that the citizens of the Commonwealth express their sincere appreciation and lasting gratitude to the Department of Fish and Wildlife Resources for the great contribution it has made to the general welfare of the Commonwealth of Kentucky.

Each member of the House and Senate should visit this farm so that they can see what they are spending their money for. This farm is three miles from Frankfort on the Louisville road.

S. Res. No. 53. A JOINT RESOLUTION urging the Atomic Energy Commission to locate an atomic energy installation at Keavy, Laurel County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, the Atomic Energy Commission is investigating sites for the location of new atomic energy installations; and

WHEREAS, the Federal Government is now the owner of

an extensive tract of land at Keavy in Laurel County, Kentucky; and

WHEREAS, the area adjacent to Keavy is blessed with a bountiful supply of coal; and

WHEREAS, there is an abundant supply of water of good chemical content; and

WHEREAS, there is a large labor pool available for employment at such installation; and

WHEREAS, Keavy is centrally located with relation to atomic energy development and to other atomic energy facilities; and

WHEREAS, there is a genuine need for industrial development in southeastern Kentucky because of the surplus manpower available there.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Atomic Energy Commission be and it is hereby urged to locate an atomic energy installation at Keavy in Laurel County, Kentucky.

Section 2. The Clerk of the Senate shall spread this resolution upon the minutes of the Senate and shall forward copies of this resolution to President Eisenhower, to members of the Atomic Energy Commission and to the Congressional delegation from Kentucky.

S. B. No. 178. AN ACT relating to police courts, amending subsection (5) of section 26.530 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of section 26.530 of the Kentucky Revised Statutes is amended to read as follows:

(5) (a) All fines, forfeitures and costs recovered in any court, by prosecution originating in the police court of a city of the fifth or sixth class, in the name of or in favor of the state, shall be paid into the city treasury, and credited to the general revenue fund of the city, unless set apart by statute or ordinance for other purposes.

(b) It shall be the duty of each police judge, or his duly authorized representative, when fines and forfeitures are recovered in his court, to prepare a receipt in duplicate in each case for the full amount of fine or forfeiture, plus costs, paid into the court, giving the full name and post office address of the person paying such fine or forfeiture, a copy of which receipt shall be given to the person paying the fine or forfeiture, and the other copy of which shall be retained by the judge to be filed with the city treasurer. Each receipt in the receipt books is to be numbered consecutively and all must be accounted for. The receipt books shall be paid for by the city.

Ordered that said bills and resolutions be printed and referred.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 308. AN ACT relating to airport zoning.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All of the provisions, powers and duties relating to airport zoning in KRS 183.750 to KRS 183.758, are hereby conferred upon and delegated to the Department of Aeronautics. Such powers and duties shall not be in derogation of those powers and duties granted political subdivisions by KRS 183.750 to KRS 183.758.

Section 2. The powers and duties conferred upon the department by this Act are to be exercised in relation to airports owned or controlled by the Commonwealth or those airports under the ownership or control of a political subdivision, until such political subdivision, acting under KRS 183.752,

adopts, administers and enforces airport zoning regulations for the airport hazard area.

Section 3. Whenever the department adopts zoning regulations a zoning board shall be created. Such board shall be composed of the Commissioner who shall act as chairman and two citizens of the county wherein the airport, or major portion thereof, is situated. One of the citizens members shall be appointed by the county judge and the other shall be appointed by the commissioner. The citizen members shall hold no other public office or position and shall serve without pay, but may be reimbursed for any necessary expenses incurred in the performance of their duties. The commissioner may appoint an officer or employe of the department to serve as chairman in his place on any such board.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 2, lines 3 through 7. By inserting a period after the word "Commonwealth" and deleting from said section the words "or those airports under the ownership or control of a political subdivision, until such political subdivision, acting under KRS 183.752, adopts, administers and enforces airport zoning regulations for the airport hazard area.

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
William E. Maglinger
Damon Majors
William C. Mann
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Louis T. Peniston
Edward D. Pollitte
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—68

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 425. AN ACT relating to condemnation for underground oil or gas storage fields giving access thereto, and amending Section 278.501 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 278.501 of the Kentucky Revised Statutes is amended to read as follows:

Any corporation, partnership or individual engaged in or proposing to engage in constructing, maintaining or operating oil or gas wells or pipelines for transporting or delivering oil or gas in public service may, if it is unable to contract or agree with the owner, condemn the lands or rights in lands and material or the use and occupation of lands that are necessary for constructing, maintaining, drilling, utilizing, and operating underground oil or gas storage fields and wells giving access thereto and all necessary machinery, equipment, pumping stations, appliances and fixtures, including tanks, telephone lines and other communications facilities, for use in connection therewith, and the necessary rights of ingress and egress to examine, construct, alter, repair, maintain and operate such underground gas storage fields, to drill new wells and utilize existing wells in connection therewith, and remove pipe, casing, equipment and other facilities relating to such underground storage fields and access wells. The proceedings for condemnation shall be as provided in KRS 416.010 to 416.080 or as provided in KRS 416.230 to 416.330 as the condemnor may elect.

Mr. Maglinger moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
Harold G. Helm
David Heskamp
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—63

Those who voted in the negative were—
Caleb McFadden Carl D. Melton —2

Resolved that the title thereof be as aforesaid.

Mr. Maglinger moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 281. AN ACT relating to the compensation of sheriffs in counties containing less than seventy-five thousand persons, amending Sections 134.290 and 134.310 of the Kentucky Revised Statutes and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 134.290 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The sheriff shall be allowed by the Department of Revenue, for collecting state taxes, a commission of ten percent upon the first five thousand dollars and four percent upon the residue collected or accounted for and paid into the State Treasury in each year.

(2) He shall be allowed by the county treasurer, for collecting the county revenue, ten percent upon the first five thousand dollars collected, and four percent upon the residue.

(3) In counties containing a population of less than seventy-five thousand, the aggregate annual compensation of the sheriff for official services shall not exceed seven thousand two hundred dollars, independent of the compensation of legally authorized deputies and assistants and reasonable expenses as limited by the fiscal court.

Section 2. Section 134.310 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The sheriff shall annually settle his accounts for county and district taxes with the fiscal court, before making settlement with the Department of Revenue. At the regular October term each year the fiscal court shall appoint some competent person other than the Commonwealth's or county attorney to settle the accounts of the sheriff for money due the county or district.

The report of this settlement shall be filed in the county clerk's office and approved by the county court. The settlement shall show the amount of poll tax and ad valorem tax collected, and an itemized statement of the money disbursed.

(2) The settlement shall be published for at least two weeks in a paper published and having general circulation in the county or, if there is no such paper, it shall be published by handbills posted at the front door of the courthouse and at least three other public places in the county. The report of the settlement shall be subject to exceptions by the sheriff or by the county attorney, who shall represent the state and county, and the county court shall try and determine the exceptions.

(3) An appeal may be prosecuted by either party from the judgment of the county court on the settlement, in the same manner as provided by law for appeals from judgments of the quarterly court, except that the county attorney shall not be required to give an appeal bond; or actions may be instituted in any court of competent jurisdiction to correct the settlement. The settlement, when approved, shall be recorded in the county clerk's office.

(4) On the final settlement the sheriff shall pay to the county treasurer all money that remains in his hands, and take receipts as provided in KRS 134.300.

(5) In counties containing a population of less than seventy-five thousand, the sheriff shall file annually with his final settlement:

(a) A complete statement of all funds received by his office for official services, showing separately the total income received by his office for services rendered, exclusive of his commissions for collecting taxes, and the total funds received as commissions for collecting state, county and school taxes; and

(b) A complete statement of all expenditures of his office, including his salary, compensation of deputies and assistants, and reasonable expenses.

(6) There shall be deducted from the total of such expenses the total funds received by the sheriff's office, exclusive of commissions for collecting taxes. From the balance, if any, of such expenses, shall be deducted the commissions allowed for collecting state and county taxes as prescribed by subsections (1) and (2) of Section 1 of this Act. The balance, if any, of the expenses shall be paid to the sheriff from the commissions allowed to him for the collection of school taxes, but in no event shall the amount of such commissions exceed four percent of the total amount of school taxes collected by him. The amount paid the sheriff for collecting school taxes shall be prorated among the school districts in the county in the proportion that the amount of school taxes collected from each district bears to the total school taxes collected.

WHEREAS, conflict and confusion now exists in many counties of the Commonwealth as to the manner of determining reasonable compensation of the sheriff for collecting school taxes; and

WHEREAS, it is necessary to have a fair, reasonable and certain method for determining the compensation which the sheriff shall receive for collecting school taxes,

NOW, THEREFORE, an emergency is hereby declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Mr. McCallum offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, By amending the title to read as follows:

"AN ACT relating to the collection of state, county and district taxes, amending Sections 134.290 and 134.310 of the Kentucky Revised Statutes and declaring an emergency."

Said motion was agreed to.

Said amendment adopted.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	W. Marvin Davis	Shelby McCallum
Walter J. Bailey	John L. Day	Caleb McFadden
John Rhea Banton	Albert Dempsey	William E. Maglinger
Clarence J. Barnum	C. E. Dowell	Damon Majors
Wallace Bartley	James A. Dressman, Jr.	William C. Mann
Charles E. Baumgardner, Sr.	Harold Edmonds	Carl D. Melton
Leo A. Bleemel	Addison L. Everett	Alton B. Mitchell
Edward T. Breathitt, Jr.	Herbert Fern	Tom Mobley
Edward O. Bridgers	Cabell D. Francis	Robert K. Montgomery
John Young Brown	W. L. Hadden	Walter R. Moorman
Harry M. Caudill	Harold G. Helm	Fred Morgan
Cassius M. Clay	David Heskamp	Thomas J. Murphy
Paul Cobb	Chester J. Holsclaw	Louis T. Peniston
William J. Conley	Varna Holt	Edward D. Pollitte
R. Josh Cosby	William L. Jones	Paul T. Ratcliffe
Vernor O. Cottengim	Jennings H. Kearby	Jack Raybourne, Jr.
Charles W. Craig	Talmage Lacy	Hobart Rayburn
	James W. Lambert	Lloyd E. Rogers
	Harry King Lowman	

William A. Routh	James Treadway	T. D. Winstead
Cecil C. Sanders	Will Tom Wathen	Charles W. Wirsch
LeRoy Saylor	W. W. Webster	Walker H. Wiseman
W. R. Smith	William B. Wells	Dr. Clyde D. Wooton
Mrs. Thelma L. Stovall	Mrs. Randolph Wilson	Paul E. Young
C. Waitman Taylor		

—70

Those who voted in the negative were—

J. Murray Blue	William J. Marcum	George R. Martin

—3

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

REPORTS OF COMMITTEES.

Mr. Burnley, Chairman of the Committee on Rules, to which same had been referred, reported favorably bills of the following titles, viz:

H. B. No. 474. AN ACT relating to revenue and taxation in cities of the fifth and sixth classes.

H. B. No. 171. AN ACT relating to implied warranties concerning the soundness or condition or suitability for use of certain articles of food or drink, and the service or process in action based upon such warranties.

H. B. No. 361. AN ACT creating a retirement system for state employes.

S. B. No. 111. AN ACT relating to abandoned cemeteries within cities of the first class.

S. B. No. 109. AN ACT relating to the salaries of members of the board of aldermen of cities of the first class.

H. B. No. 450. AN ACT relating to holidays, and amending Section 2.110 of the Kentucky Revised Statutes.

S. B. No. 104. AN ACT providing for the regulation of the practice of ophthalmic dispensing; authorizing the issuance of licenses to qualified ophthalmic dispensers; creating a Board to be known as the "Kentucky Board of Ophthalmic Dispensers", and conferring duties upon such Board; and providing for penalties for the violation of this Act.

J. R. No. 80. A JOINT RESOLUTION authorizing Mrs. James Ernest Nantz to sue the Commonwealth of Kentucky and the State Tuberculosis Hospital Commission, or either.

H. R. No. 74. A JOINT RESOLUTION authorizing Mrs. Emma McCoun and Mrs. Orene Swango Davis to sue the Commonwealth of Kentucky and the Department of Highways, or either.

J. R. No. 71. A JOINT RESOLUTION authorizing Henry H. Meadows, of Boone County, to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either.

H. R. No. 72. RESOLUTION authorizing Dewey Rice, individually, the personal representatiev of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky or either.

J. R. No. 68. A joint resolution authorizing Dr. R. H. Miller, of Louisville, Jefferson County, Kentucky, to sue the Commonwealth of Kentucky and the State Fair Board.

J. R. No. 63. A JOINT RESOLUTION authorizing Pearl Troxel of Jefferson County to sue the Commonwealth of Kentucky and the Department of Mental Health, or either.

J. R. No. 62. A JOINT RESOLUTION authorizing James Daniel Chancey, of Jefferson County, to sue the Commonwealth of Kentucky.

J. R. No. 60. A JOINT RESOLUTION authorizing payment of a claim by Sherman Combs against the Department of Highways and the Commonwealth of Kentucky.

H. R. No. 47. A JOINT RESOLUTION authorizing Clar-

ence Brewer Price and Ruby Irene Price, his wife, of Christian County, to sue the Commonwealth of Kentucky and the Department of Highways, either or both.

J. R. No. 58. A JOINT RESOLUTION authorizing Howard A. See, Guardian of Garred C. See, an infant, and A. T. See, father of Garred C. See, an infant, to sue the Department of Highways and the Commonwealth of Kentucky, either or both.

J. R. No. 45. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Cola Combs of Perry County, Kentucky, committee for Samantha Mix.

J. R. No. 44. A JOINT RESOLUTION authorizing the personal representative of the estate of Walter Deaton to sue the Commonwealth of Kentucky and the Department of Mental Health, or either.

J. R. No. 28. A JOINT RESOLUTION authorizing and directing the payment of the claim of T. J. Nicely, Rockcastle County Court Clerk, for the recording of right of way deeds in favor of the Commonwealth of Kentucky, Department of Highways.

J. R. No. 56. A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study and report of the conditions of retail installment financing in Kentucky.

H. B. No. 466. AN ACT relating to authorization of the Commissioner of Welfare regarding method of return of parole and probation violators and escaped prisoners.

H. B. No. 465. AN ACT relating to the administrative officer of the Court of Appeals, amending KRS 21.220, and repealing KRS 21.155.

H. B. No. 464. AN ACT providing for payment of fees out of the state road fund and by the county Fiscal Courts to the County Court Clerk for taking acknowledgments, certifying and recording right-of-way deeds for State and County.

J. R. No. 69. A JOINT RESOLUTION inviting John Sherman Cooper to address a joint session of the General Assembly.

J. R. No. 77. A JOINT RESOLUTION inviting Earl C. Clements to address a joint session of the General Assembly.

Whereupon said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 310. AN ACT relating to claims allowed by courts payable from the State Treasury, amending subsection (1) of section 44.020 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 44.020 of the Kentucky Revised Statutes is amended to read as follows:

"Within twenty days after the termination of each session of the Court of Appeals, and of each circuit court and each county court, the clerk of the court shall make out and certify an alphabetical list of all claims payable out of the State Treasury that have been allowed by the court, and transmit the list to the Department of Finance, and no warrant for any claims requiring the approval of a court shall be issued until the list has been received by the Department of Finance. The alphabetical list of claims shall serve as a certified copy of orders of allowance by the court for each and every claim listed thereon, and, notwithstanding any statutory provision to the contrary, a copy of the order of allowance shall not be required for any claim listed thereon before payment may be made unless deemed necessary by the Department of Finance. The Department of Finance shall keep a separate record of all claims allowed in each county, noting the number and amount of each warrant issued for the payment of such claims."

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Cabell D. Francis
W. L. Hadden
David Heskamp
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
Cecil C. Sanders
LeRoy Saylor
W. R. Smith

Mrs. Thelma L. Stovall	W. W. Webster	T. D. Winstead
C. Waitman Taylor	William B. Wells	Charles W. Wirsch
Will Tom Wathen	Mrs. Randolph Wilson	Dr. Clyde D. Wooton
		Paul E. Young

—67

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 217. AN ACT relating to the furnishing of gas by gas pipe-line companies, and amending Section 278.485 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.485 of the Kentucky Revised Statutes is amended to read as follows:

Every gas pipe-line company in this Commonwealth obtaining gas from wells located within this Commonwealth, shall, upon the request of persons living within one-half air miles of said company's gas well or gas pipe line, furnish service to such persons at rates determined by the Public Service Commission; provided, that nothing contained herein shall be construed as requiring any gas pipe-line company to serve any such persons from lines established on the discharge side of any compressor station.

With Committee Substitute attached thereto as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.485 of the Kentucky Revised Statutes is amended to read as follows:

Every gas pipe-line company in this state, obtaining gas from wells located within this state, shall, upon the request of any resident of the county in which such gas well or gas pipe-line is located, furnish service to such person at rates determined by the Public Service Commission. The person making such request shall construct a line leading from the property which he desires to be served to the company pipe-line, and shall make the connection with the company pipe-line under supervision of the company and shall furnish all the equipment for said connection at his own expense.

Mr. Edmonds moved the adoption of the Committee Substitute in lieu of H. B. No. 217.

Said motion was agreed to.

Said Committee Substitute was adopted.

Mr. Smith moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
Edward O. Bridgers
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
Harold G. Helm
David Heskamp
Lon C. Hill
Varna Holt
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
—70

There voted in the negative—

William M. Horn —1

Mr. Edmonds moved that the title on the original bill be adopted as the title on the Committee Substitute.

Said motion was agreed to.

Mr. Smith moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 343. AN ACT relating to flammable liquids.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Flash point" means the minimum temperature, in degrees Fahrenheit, at which a flammable liquid will give off flammable vapors as determined by test procedure and apparatus specified in the "Standard Method of Test for Flash Point by Means of the Tag Closed Tester" (A.S.T.M. D 56-52) published by the American Society for Testing Materials;

(2) "Class A liquid" means any flammable liquid which has a flash point of one hundred degrees Fahrenheit, or less.

(3) "Class B liquid" means any flammable liquid which has a flash point above one hundred degrees Fahrenheit.

Section 2. No person shall have for sale, sell, give or deliver to another any product known, advertised, sold or offered for sale as kerosene, coal oil, fuel oil, stove oil, range oil, furnace oil, distillate or diesel fuel, or by a trade name commonly identified with any such product, unless the product constitutes a Class B liquid.

Section 3. No dealer shall sell or deliver kerosene, coal oil, fuel oil, stove oil, range oil, furnace oil or other Class B liquid except from a container having the name of the liquid sold plainly marked or labeled on the container, or on the pump or delivery equipment serving such container.

Section 4. No compartment of a tank vehicle which has contained a Class A liquid on the prior loading shall be loaded with Class B liquid until such equipment and all piping and accessory delivery equipment connected thereto have been

drained of all Class A liquid and then flushed with a quantity of Class B liquid sufficient to clear them of any remaining Class A liquid; or cleared of Class A liquid by some equally effective method.

Section 5. In the event that a tank vehicle is equipped with a pump, meter, and hose, or any combination thereof, such equipment shall not be used for the delivery of Class B liquid if its prior use has been for Class A liquid, unless it has first been flushed with a quantity of Class B liquid sufficient to effectively clear it of all Class A liquid; or cleared of Class A liquid by some equally effective method.

Section 6. In the event that compartments of a tank vehicle are connected to a common outlet or manifold, no compartment so connected shall contain Class A liquids while any other compartment so connected contains Class B liquids.

Section 7. No manifold, pump, meter, or hose shall be used for the delivery of Class A and Class B liquids on the same trip. Flushing, as provided in Section 5 of this Act, shall not be done during the course of deliveries. If the use of a manifold, pump, meter, or hose is required for the delivery of Class A and Class B liquids on the same trip, then separate delivery equipment shall be provided. Such equipment shall be tagged or painted to clearly indicate the class of liquid for which it is used.

Section 8. (1) Any person violating the provisions of this Act shall be fined not less than one hundred dollars or more than five hundred dollars, or imprisoned in the county jail for not more than sixty days.

(2) Any firm or corporation violating the provisions of this Act shall be fined not less than one hundred dollars or more than five hundred dollars.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
Harold Edmonds
Herbert Fern
Cabell D. Francis
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—67

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 344. AN ACT relating to local public health.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 212.170 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) The county board of health of each county having a county department of health shall, subject to the approval of the State Department of Health, appoint a health officer having the qualifications provided in KRS 212.180, who shall, subject to merit system provisions, hold office at the pleasure of both the county board and the State Department of Health.

(b) If there are no qualified applicants for the position of health officer, the county board shall, with the approval of the State Department of Health, appoint a health administrator having the qualifications provided in KRS 212.180, who shall, subject to merit system provisions, hold office at the pleasure of both the county board and the State Department of Health. A health administrator shall have all the authority, duties and responsibilities reposed by law in a health officer except those duties and responsibiilties that only a licensed physician is authorized by law to perform.

(c) A health officer or health administrator may appoint one or more deputies and, subject to merit system provisions, revoke their appointments at his pleasure. A deputy health officer or deputy health administrator shall exercise such duties as may be delegated to him by the health officer or health admin-

istrator. Any duty enjoined by law upon a health officer or health administrator may be delegated to and performed by his lawful deputy except those duties and responsibilities that only a licensed physician is authorized by law to perform. Each deputy health officer and each deputy health administrator shall possess such education, training and experience, and other qualifications as may be prescribed by the State Department of Health and need not be a physician.

Section 2. Subsection (3) of Section 212.190 of the Kentucky Revised Statutes is amended to read as follows:

(3) The health officer of counties having a county department of health shall receive a salary to be fixed by the county board of health subject to the approval of the State Department of Health. He shall receive necessary traveling expenses.

Section 3. Section 212.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) County Boards of Health of every county having a County Department of Health shall:

(a) Appoint a county health officer or health administrator and fix his salary pursuant to the provisions of Sections 1 and 2 of this Act;

(b) Hold a regular meeting at least once every three months and such other special or regular meetings as may be desired and keep full minutes of all the proceedings in a book provided for this purpose;

(c) Adopt, except as otherwise provided by law, such rules and regulations not in conflict with the rules and regulations of the State Board of Health, as may be necessary to protect the health of the people or to effectuate the purposes of this Act or any other Act relating to public health;

(d) Act in a general advisory capacity to the health officer or health administrator on all matters relating to the county department of health;

(e) Hear and decide appeals from rulings, decisions, and actions of the county health department or health officer or

health administrator, where the aggrieved party makes written request therefor to the board within thirty days after the ruling, decision, or action complained of;

(f) Perform all other functions necessary to carry out the provisions of law and the rules and regulations adopted pursuant thereto, relating to county boards of health;

(2) Except as otherwise provided in subsection (1) above, all powers and authority of the county board of health under existing statutes, are transferred to the county department of health.

Section 4. Section 212.240 of the Kentucky Revised Statutes is amended to read as follows:

County Departments of Health shall:

(a) Administer and enforce in the county and in all cities and towns situated therein, except as otherwise provided by law, all applicable public health laws of the Commonwealth and all of the rules and regulations of the state and county board of health issued thereunder;

(b) Under the general supervision of the county board of health and the State Department of Health formulate, promote, establish and execute policies, plans and programs to safeguard the health of the people of the county and establish, maintain, implement, promote, and conduct facilities and services for the purpose of protecting the public health;

(c) Make such statistical or other reports relating to the activities of the department as they may deem expedient or as may be required by the county board of health or the State Department of Health.

Section 5. County Health Departments may:

(1) Employ and fix the compensation of, by contract or otherwise, subject to the approval of the State Department of Health, all medical, technical, clerical, professional and other employes necessary for the maintenance and operation of the department in accordance with standards prescribed by the State Board of Health;

(2) Utilize available services, faciilties, equipment and personnel of the State Department of Health or of the United States Public Health Service upon such terms of payment or reimbursement as are agreed on by the department and the State Department of Health or the United States Public Health Service;

(3) Contract for services not otherwise available;

(4) Provide for the public health training and instruction of employes and compensate and defray the reasonable expenses of said employes while they are pursuing public health training courses approved by the State Department of Health;

(5) Establish or contribute to a retirement system or fund for employes of the department.

(6) Issue and require the heads of families and other persons to execute such orders as the board considers expedient to prevent the outbreak and spread of communicable diseases, and to this end bring the infected population under prompt and proper treatment;

(7) Issue written orders directed to the owner or occupant of any property, or to any person, firm or corporation whatever, commanding, within the time and manner specified in the order, compliance with applicable public health laws of this state and all regulations of the State Board of Health or the county board of health. Notwithstanding the provisions of this section and of KRS 212.210, any health officer or health administrator may institute and maintain mandatory or prohibitory injunction proceedings in the appropriate circuit courts of this state to abate nuisances that are or may be a menace to the health of the people of the state or community, and to compel compliance with the public health laws of this state and the regulations of the State Board of Health and the county board of health and the orders described in this section or in KRS 212.210.

(8) Through its health officers or health administrators, representatives and agents enter upon any premises when necessary for the purpose of making inspections and investigations and view evidence and interrogate persons to the extent required in the performance of their duties and responsibilties. The department or the health officer or health administrator thereof may

issue subpoenas, subpoena duces tecum and all necessary process in proceedings brought before or initiated by the department or Board, and such process shall extend to all parts of the Commonwealth. Service of process may be made by registered mail or in the manner prescribed by the rules of civil procedure.

(9) Provide administrative, investigative and clerical services required by the county board of health;

(10) Cooperate with other health departments, agencies and organizations in matters relating to public health;

(11) Except as otherwise provided by law, do all other things reasonably necessary to protect and improve the health of the people.

Section 6. Subsection (3) of Section 212.260 of the Kentucky Revised Statutes is amended to read as follows:

The health officer or health administrator of a county that has formed a county department of health shall:

(a) Devote his entire time to the duties of his office; and shall not practice his profession for compensation from his patients.

(b) Be secretary of the county board of health and keep full minutes of the proceeding of the county board of health in a book provided for that purpose.

(c) Be the chief administrative officer of the county health department.

Section 7. Section 212.660 of the Kentucky Revised Statutes is amended to read as follows:

The city-county board of health shall appoint a health officer or health administrator and employ other persons necessary for the work of the city-county health department in the same manner and subject to the conditions applicable to county health officers, county health administrators and county health employes.

Section 8. No person shall fail or refuse to observe or obey a written order of any board of health, department of health,

health officer or health administrator issued pursuant to the provisions of law or regulations adopted thereunder.

Section 9. Subsection (2) of Section 212.990 is amended to read as follows:

Any person who violates Section 8 of this Act shall be fined not less than ten dollars nor more than one hundred dollars for each day the violation continues.

Section 10. Section 212.250 of the Kentucky Revised Statutes is repealed.

Section 11. This Act shall become effective July 1, 1954.

Mr. Ockerman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	J. Murray Blue	William J. Conley
Walter J. Bailey	Edward T. Breathitt, Jr.	R. Josh Cosby
Clarence J. Barnum	Edward O. Bridgers	W. Marvin Davis
Charles E. Baumgardner, Sr.	Charles W. Buchanan	C. E. Dowell
Leo A. Bleemel	Paul Cobb	Harold Edmonds
		Herbert Fern
		Cabell D. Francis

W. L. Hadden	Walter R. Moorman	W. R. Smith
George F. Harris	Eddie J. Morris	Mrs. Thelma L. Stovall
Lon C. Hill	Thomas J. Murphy	C. Waitman Taylor
Estill R. Hilton	Foster Ockerman	Will Tom Wathen
Chester J. Holsclaw	Louis T. Peniston	W. W. Webster
William M. Horn	Paul T. Ratcliffe	William B. Wells
Talmage Lacy	Jack Raybourne, Jr.	T. D. Winstead
James W. Lambert	Hobart Rayburn	Charles W. Wirsch
Harry King Lowman	Robert Reid	Walker H. Wiseman
Shelby McCallum	William A. Routh	Dr. Clyde D. Wooton
Damon Majors	Cecil C. Sanders	Paul E. Young
Robert K. Montgomery	LeRoy Saylor	—52

There voted in the negative—

Charles W. Craig	William C. Mann	Tom Mobley
Albert Dempsey	William J. Marcum	Fred Morgan
Harold G. Helm	George R. Martin	Lloyd E. Rogers
Varna Holt	Carl D. Melton	James Treadway
Caleb McFadden	Alton B. Mitchell	—14

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 273. AN ACT relating to amateur radio operators.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) All amateur radio operators residing in this state and holding license issued by the Federal Communications Commission may register their names and addresses and license number with the Division of Civil Defense in the Department of Military Affairs within sixty days of the effective date of this

Act or within sixty days after being licensed, and shall pay a fee of five dollars at the time of registration.

(2) The director of civil defense shall issue to all amateur radio operators registered under this Act an identification card containing the operator's photograph and fingerprints.

Section 2. All registered amateur radio operators shall be required to perform such duties in connection with radio operation as may be required of them by the Director of Civil Defense in his civil defense program or in time of any local, state or national emergency or disaster.

Section 3. (1) Any amateur radio operator registered under this Act who owns a motor vehicle equipped with radio, upon application each beginning year, accompanied by proof of being registered under this Act, and upon complying with all other laws of this state relating to the regulation and licensing of motor vehicles, and upon the payment of an additional license fee of one dollar, shall be issued, within ninety days after such application, and additional license plate upon which shall be inscribed, in lieu of the usual number, the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission, and the year for which the plate is issued. An application for such special license shall in no way interfere with the regular registration of the vehicle. Any person purchasing a license plate under the provsions of this act shall be authorized to leave the original plate in the custody of the county clerk and attach the plate bearing the radio call letters on the vehicles so licensed. Upon the sale or transfer of such vehicle bearing such special plate the owner shall remove same and obtain from the custody of the county clerk the original plate and attach it to the vehicle to be sold or transferred. Said special plate may be presented to the county clerk and he shall reissue same for use on any other vehicle owned by such radio station licensee.

(2) For services performed, the county clerk shall receive from each applicant, in addition to the regular registration fee, the sum of fifty cents for each registration under this section. A like amount shall be charged for the reissuance of such special

license plate after the sale or transfer of the vehicle to which it was originally attached.

Section 4. All fees collected under the provisions of section 1 of this Act shall be deposited in the State Treasury to the credit of a revolving fund for use in administering sections 1 and 2 of this Act.

Mr. McCallum offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, line 7, by deleting the word "five" and substituting therefor the word "two"

Said motion was agreed to.

Said amendment adopted.

Mr. McCallum offered the following amendment and moved its adoption.

Amendment No. 2—On page 2, section 3, line 2 delete the following words: "who owns a motor vehicle equipped with radio"

Said motion was agreed to.

Said amendment adopted.

Mr. McCallum moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
James W. Lambert
Shelby McCallum
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
C. Waitman Taylor
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton

—67

There voted in the negative—

Caleb McFadden
James Treadway
Mrs. Randolph Wilson

—3

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended and the Speaker appoint a committee to escort former Governor Sampson to the rostrum.

Said motion was agreed to.

The Speaker appointed Mr. Lambert, Mr. Lowman and Mr. Wirsch on said committee.

Governor Sampson was escorted to the rostrum and addressed the House briefly.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 422. AN ACT relating to the grazing of livestock on certain public grounds and providing a penalty therefor.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 259.200 of the Kentucky Revised Statutes is amended to read as follows:

No person shall permit any cattle to run or trespass upon any state or national parks, encampment grounds, scout camps, grounds dedicated to religious, educational or recreational purposes or floodwalls erected at public expense.

Section 2. Any person who violates KRS 259.200 shall be fined not less than ten dollars nor more than one hundred dollars, and each head of cattle trespassing shall constitute a separate offense.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected .

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Cabell D. Francis
W. L. Hadden
Harold G. Helm
David Heskamp
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
Shelby McCallum
William E. Maglinger
Damon Majors
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

—63

There voted in the negative—

Albert Dempsey	William J. Marcum	LeRoy Saylor
Jennings H. Kearby	George R. Martin	Dr. Clyde D. Wooton
Caleb McFadden	William A. Routh	—8

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 366. TEACHERS' RETIREMENT ACT: etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 161.430 KRS be amended and re-enacted so that when re-enacted it shall read as follows:

(1) The Board of Trustees shall be the trustee of the funds of the Retirement System, and shall have full power and responsibility for the investment and disbursement of the funds. No investment shall be made of the funds except in the following:

(a) Obligations of the United States and obligations for which the faith of the United States is pledged for the payment of the interest and principal.

(b) Obligations of the Commonwealth of Kentucky and obligations of its departments.

(c) Obligations of any city of the first, second, third, and fourth classes of the Commonwealth of Kentucky which are payable from voted taxes.

(d) School improvement bonds issued in accordance with authority granted under KRS 162.080 to and including KRS 162.100.

(e) School building revenue bonds issued in accordance with authority granted under KRS 162.120 to and including KRS 162.300, provided the issuance of such bonds is approved by the State Department of Education.

(f) Revenue bonds issued by educational institutions of the Commonwealth of Kentucky as authorized by KRS 162.340 to and including KRS 162.380.

(g) Bonds issued by corporations organized under the Laws of the United States or of any State in the United States,, or of the District of Columbia, when such bonds have a rating of the highest or next highest classification made by a nationally known major rating service.

(h) Deposits in banks or trust companies in the Commonwealth of Kentucky organized under the Laws of this State, or of the United States, when such deposits are interest bearing at a rate not lower than two per centum per annum, and when such deposits are fully secured by direct obligations of the United States Government, placed in the hands of the State Treasurer and approved by the Board of Trustees.

(2) (a) Not more than 25 per cent of any one issue may be purchased by the Board of Trustees as an investment; and not more than five per cent of the invested funds of the Retirement System may be invested in the obligations of any issuer except in the case of obligations of the United States Government. No investment may be made in the obligation of any issuer which has been in default on any of its bonds or interest during a period of the last ten years immediately preceding the purchase.

(b) Not more than 16 per cent of the receipts of any fiscal year may be invested in all of the foregoing classifications of (c), (d), (e), and (f); and not more than eight per cent of the receipts of any fiscal year may be invested in corporate bonds of classification (g) of Subsection 1.

(3) No investment or disbursement of the funds shall be made unless authorized by resolution adopted by the Board of Trustees.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston

Edward D. Pollitte	LeRoy Saylor	William B. Wells
Paul T. Ratcliffe	W. R. Smith	Mrs. Randolph Wilson
Jack Raybourne, Jr.	Mrs. Thelma L. Stovall	T. D. Winstead
Hobart Rayburn	C. Waitman Taylor	Charles W. Wirsch
Robert Reid	Eulick Walsh	Walker H. Wiseman
Lloyd E. Rogers	Will Tom Wathen	Dr. Clyde D. Wooton
William A. Routh	W. W. Webster	Paul E. Young
Cecil C. Sanders		

—75

There voted in the negative—

James Treadway —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 202. AN ACT relating to property taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who has failed to list for taxation his intangible personal property, in whole or in part, because he was not called upon by the county tax commissioner or for any other reason, may at any time, and shall after the county tax commissioner has returned his books, list the property with the department by reporting to the department the full details and a correct description of the omitted property and its value. The department may determine and fix the fair cash value, estimated at the price it would bring at a fair voluntary sale, of the property so reported and listed for taxation.

(2) Any person dissatisfied with or aggrieved by the finding or ruling of the department may appeal such finding or ruling in the manner provided by KRS 131.110.

(3) The department shall prescribe, promulgate and provide such rules, regulations, forms and records as it deems necessary and proper for the listing and assessment of the property so assessed or to be assessed for taxation. The tax so assessed shall be paid to and collected by the department.

(4) All property assessed pursuant to this section shall be liable for the payment of the taxes, interest and penalties provided by law for failure to list the property with the county tax commissioner or other assessment board, commission or authority within the time and in the manner prescribed by law, except that if the taxpayer voluntarily lists property under this section the twenty per cent penalty provided to be paid to the department shall not apply, unless the taxpayer on an appeal from the action of the department attempts to reduce the assessment and is unsuccessful.

(5) If after demand by the department, any taxpayer refuses to voluntarily list any intangible property omitted from assessment, the department shall make an estimate of the fair cash value of the omitted intangible property for such information in its possession and assess the property for taxation and require payment of the taxes, penalties and interest due to the state from the person thus assessed. Notice of the assessment shall be mailed to the taxpayer or his agent. The finality and review of any assessment made pursuant to this section shall be governed by the provisions of KRS 131.110. Effective July 1, 1954, this procedure may be employed to secure an assessment of all omitted intangible property as defined in KRS 132.290 in any case where the taxpayer fails to list voluntarily after demand has been made upon him so to do.

Section 2. Section 132.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any assessment of accounts receivable, notes, stocks or bonds that were listed with the county tax commissioner may be reopened by the Department of Revenue within two years

after the date as of which they were assessed, unless the assessed value thereof is the face value in the case of accounts receivable and notes or the quoted value in the case of stocks and bonds or has been established by a court of competent jurisdiction. If upon reopening the assessment the department finds that the assessment was less than the fair cash value and should be increased, it shall give notice thereof to the taxpayer, who may within twenty days thereafter protest to the department and offer evidence to show that no increase should be made. After the department has disposed of the protest, the taxpayer may appeal from any such additional assessment as provided by KRS 131.110 and 131.120.

(2) Upon such assessment becoming final the department shall certify the amount due to the taxpayer. The tax bill shall be handled and collected as an omitted tax bill, and the additional tax shall be subject to the same penalties as the tax on omitted property.

Mr. Wathen offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 1, line 34 By striking the word "For" and substituting in lieu thereof the word "From"

Said motion was agreed to.

Said amendment adopted.

Mr. Wathen moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Chester J. Holsclaw	Hobart Rayburn
Walter J. Bailey	William M. Horn	Robert Reid
John Rhea Banton	William L. Jones	Russell Reynolds
Clarence J. Barnum	Jennings H. Kearby	William A. Routh
Charles E. Baumgardner, Sr.	Harry King Lowman	Cecil C. Sanders
Leo A. Bleemel	Shelby McCallum	Mrs. Thelma L. Stovall
Edward T. Breathitt, Jr.	Damon Majors	C. Waitman Taylor
Edward O. Bridgers	Robert K. Montgomery	Eulick Walsh
Cassius M. Clay	Walter R. Moorman	Will Tom Wathen
R. Josh Cosby	Thomas J. Murphy	W. W. Webster
W. Marvin Davis	Goebel W. Newsom, Jr.	William B. Wells
C. E. Dowell	Foster Ockerman	Mrs. Randolph Wilson
Harold Edmonds	Louis T. Peniston	T. D. Winstead
Cabell D. Francis	Paul T. Ratcliffe	Walker H. Wiseman
Estill R. Hilton	Jack Raybourne, Jr.	Paul E. Young

—45

There voted in the negative—

Wallace Bartley	Harold G. Helm	Alton B. Mitchell
J. Murray Blue	David Heskamp	Tom Mobley
Charles W. Buchanan	Lon C. Hill	Eddie J. Morris
Charles W. Craig	Varna Holt	Lloyd E. Rogers
John L. Day	Caleb McFadden	LeRoy Saylor
Albert Dempsey	George R. Martin	James Treadway
James A. Dressman, Jr.	Carl D. Melton	Dr. Clyde D. Wooton

—21

Resolved that the title thereof be as aforesaid.

Mr. Wathen moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 292. AN ACT changing the classification of the city of Flatwoods, in Greenup County.

Said bill is as follows, Viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of Flatwoods, in Greenup County, is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Flatwoods, in Greenup County, is transferred from the sixth to the fourth class of cities.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold G. Helm	Foster Ockerman
Walter J. Bailey	Lon C. Hill	Louis T. Peniston
John Rhea Banton	Estill R. Hilton	Jack Raybourne, Jr.
Clarence J. Barnum	Chester J. Holsclaw	Russell Reynolds
Wallace Bartley	William M. Horn	Lloyd E. Rogers
Charles E. Baumgardner, Sr.	William L. Jones	William A. Routh
Leo A. Bleemel	Jennings H. Kearby	Cecil C. Sanders
J. Murray Blue	Talmage Lacy	W. R. Smith
Edward T. Breathitt, Jr.	Harry King Lowman	Mrs. Thelma L. Stovall
Edward O. Bridgers	Shelby McCallum	C. Waitman Taylor
Harry M. Caudill	Caleb McFadden	James Treadway
Cassius M. Clay	Damon Majors	Eulick Walsh
R. Josh Cosby	William C. Mann	Will Tom Wathen
W. Marvin Davis	George R. Martin	W. W. Webster
John L. Day	Carl D. Melton	William B. Wells
Albert Dempsey	Robert K. Montgomery	Mrs. Randolph Wilson
James A. Dressman, Jr.	Walter R. Moorman	T. D. Winstead
Harold Edmonds	Eddie J. Morris	Walker H. Wiseman
Cabell D. Francis	Thomas J. Murphy	Dr. Clyde D. Wooton
	Goebel W. Newsom, Jr.	Paul E. Young

—59

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Dempsey moved that the rules be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Dempsey moved that the Legislative Record be printed on green paper on March 17, St. Patrick's Day.

Said motion was agreed to by voice vote.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 240. AN ACT relating to narcotic drugs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (14) of Section 218.101 of the Kentucky Revised Statutes is amended to read as follows:

(14) "Narcotic Drugs" includes coca leaves, opium, isonipecaine (the substance identified chemically as 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester, or any salt thereof by whatever trade name identified), cannabis, every other substance neither chemically nor physically distinguishable from them, and any drug having an addiction-forming or addiction-sustaining liability similar to morphine or cocaine which is designated by regulation of the State Board of Health as a narcotic drug.

Section 2. Section 217.410 and subsection (10) of Section 217.990 of the Kentucky Revised Statutes are repealed.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 1—

Amend printed copy of House Bill 240 on Page 1, Section 1, Line 1-11

By striking Section 1 in its entirety and substituting the following in lieu thereof:

Section 1. The introductory clause and subsection (14) of Section 218.010 of the Kentucky Revised Statutes is amended to read as follows:

The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:

(14) "Narcotic Drugs" includes coca leaves, opium, isoni-

pecaine (the substance identified chemically as 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester, on any salt thereof by whatever trade name identified), cannabis, every other substance neither chemically nor physically distinguishable from them, and any drug having an addiction-forming or addiction-sustaining liability similar to morphine or cocaine which is designated by proclamation of the President of the United States and by regulation of the State Board of Health as a narcotic drug.

Said motion was agreed to.

Said motion adopted.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	Edward O. Bridgers
Walter J. Bailey	Leo A. Bleemel	Charles W. Buchanan
John Rhea Banton	J. Murray Blue	Cassius M. Clay
Clarence J. Barnum	Edward T. Breathitt, Jr.	William J. Conley
Wallace Bartley		R. Josh Cosby

Charles W. Craig	Damon Majors	Robert Reid
W. Marvin Davis	William C. Mann	Russell Reynolds
John L. Day	William J. Marcum	Lloyd E. Rogers
Albert Dempsey	George R. Martin	William A. Routh
C. E. Dowell	Carl D. Melton	Cecil C. Sanders
Harold Edmonds	Alton B. Mitchell	Mrs. Thelma L. Stovall
Cabell D. Francis	Tom Mobley	C. Waitman Taylor
Harold G. Helm	Robert K. Montgomery	James Treadway
David Heskamp	Walter R. Moorman	Eulick Walsh
Lon C. Hill	Eddie J. Morris	Will Tom Wathen
Estill R. Hilton	Thomas J. Murphy	W. W. Webster
Chester J. Holsclaw	Goebel W. Newsom, Jr.	William B. Wells
Varna Holt	Foster Ockerman	Mrs. Randolph Wilson
William M. Horn	Louis T. Peniston	T. D. Winstead
William L. Jones	Edward D. Pollitte	Charles W. Wirsch
Talmage Lacy	Paul T. Ratcliffe	Walker H. Wiseman
James W. Lambert	Jack Raybourne, Jr.	Dr. Clyde D. Wooton
Harry King Lowman	Hobart Rayburn	Paul E. Young
Shelby McCallum		
Caleb McFadden		

—70

Resolved that the title threof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 379. AN ACT relating to federal lands within the Commonwealth.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 3.010 is amended to read as follows:
"The Commonwealth of Kentucky consents to the acquisition by the United States of all lands and appurtenances in this state,

by condemnation, gift or purchase, which are needful to their constitutional purposes, but said acquisition shall not be deemed to result in a cession of jurisdiction by this Commonwealth."

Section 2. Whenever the United States, or any agency thereof, shall request the Commonwealth to cede jurisdiction over any area, it shall be the duty of the Governor to transmit such request to the next session of the General Assembly for such action as it may deem proper.

Section 3. Whenever the United States accepts the cession of jurisdiction over any area, the letter of acceptance shall be entered upon the Executive Journal.

Section 4. The Commonwealth consents to any retrocession by the United States of lands within its geographical boundaries whenever the United States shall have ceased to exercise exclusive or special jurisdiction over such lands. Inter alia, the conveyance of lands to private owners shall be deemed to constitute a retrocession of jurisdiction.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Foster Ockerman
Walter J. Bailey	Harold G. Helm	Louis T. Peniston
John Rhea Banton	David Heskamp	Edward D. Pollitte
Clarence J. Barnum	Lon C. Hill	Paul T. Ratcliffe
Wallace Bartley	Estill R. Hilton	Jack Raybourne, Jr.
Charles E. Baumgardner, Sr.	Chester J. Holsclaw	Hobart Rayburn
Leo A. Bleemel	Varna Holt	Robert Reid
J. Murray Blue	William M. Horn	Lloyd E. Rogers
Edward T. Breathitt, Jr.	Jennings H. Kearby	William A. Routh
Edward O. Bridgers	Talmage Lacy	Cecil C. Sanders
Charles W. Buchanan	James W. Lambert	Mrs. Thelma L. Stovall
Harry M. Caudill	Harry King Lowman	C. Waitman Taylor
Cassius M. Clay	Shelby McCallum	James Treadway
William J. Conley	Caleb McFadden	Eulick Walsh
R. Josh Cosby	Damon Majors	Will Tom Wathen
Charles W. Craig	William J. Marcum	W. W. Webster
W. Marvin Davis	George R. Martin	William B. Wells
Albert Dempsey	Alton B. Mitchell	Mrs. Randolph Wilson
C. E. Dowell	Robert K. Montgomery	T. D. Winstead
Harold Edmonds	Walter R. Moorman	Walker H. Wiseman
Herbert Fern	Eddie J. Morris	Dr. Clyde D. Wooton
	Thomas J. Murphy	Paul E. Young
	Goebel W. Newsom, Jr.	—66

There voted in the negative—

William C. Mann	LeRoy Saylor	—2

Mr. Day moved that the House adjourn until 10:00 A. M. Friday, March 5, 1954. Said motion was disagreed to.

Resolved that the title thereof be as aforesaid.

Mr. Wathen moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

Bills and resolutions of the following titles were introduced and ordered to be printed and referred.

By Mr. Lowman.

H. B. No. 497. AN ACT relating to the conservation, development and use of water resources.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. The conservation, development and proper use of the water resources of the Commonwealth of Kentucky has become increasingly important as a result of technological advances, agricultural production problems and varied industrial, municipal and recreational uses. Excessive rainfall at certain seasons causes damages from overflowing streams. Prolonged droughts at other seasons curtail industrial, municipal, agricultural and recreational uses of water and threaten the economic well-being of the Commonwealth. The advancement of the safety, happiness and the protection of property of the people require that the power inherent in the people be utilized to promote and to regulate the conservation, development and proper use of the water resources. It is hereby declared that the general welfare requires that the water resources of the Commonwealth be put to beneficial use to the fullest extent of which they are capable, and that the waste or non-beneficial use of water be prevented, and that the conservation and beneficial use of water be exercised in the interest of the people. The proper investment of public and private funds to promote the conservation and beneficial use of water resources is recognized as being in the public interest and such investments shall be encouraged.

SECTION 2. Water occurring in any natural stream natural lake or other natural water body in the Commonwealth which may be applied to any useful and beneficial purpose

is hereby declared to be a natural resource and public water of the Commonwealth and subject to control and regulation for the public welfare. Diffused surface water which flows vagrantly over the surface of the ground shall not be regarded as public water, and the owner of the land on which such water falls or flows shall have the right to its use. Water left standing in natural pools in a natural stream when the natural flow of the stream has ceased shall not be regarded as public water and the owners of the land contiguous to that water shall have the right to its use for their purposes.

SECTION 3. (1) The owner of land contiguous to public water shall at all times have the right to the use of water therefrom in the quantity necessary to satisfy his needs for domestic purposes, which shall include water for household purposes, drinking water for livestock, poultry and domestic animals. The use of water for such domestic purposes shall have priority and be superior to any and all other uses.

(2) The owner of land contiguous to public water shall have the right to such reasonable use of this water for other than domestic purposes as will not deny the use of such water to other owners for domestic purposes, or impair existing uses of other owners heretofore established, or unreasonably interfere with a beneficial use by other owners.

(3) An owner or group of owners of land contiguous to public water shall have the right to impound and conserve such water for their use by impounding such water behind a dam in the natural stream bed or on their land or by pumping such water from the stream or lake to a reservoir when the flow in the stream or the level of the lake is in excess of existing reasonable uses. An obstruction placed across a natural stream shall provide an outlet for the release of water which the owner is not entitled to use under this Act, and the owner shall operate the outlet in accordance with this provision.

SECTION 4. The General Assembly recognizes that many specific problems relating to water resources exist. To secure additional information on this subject the Legislative Research Commission is hereby directed to conduct a study of water resources, usage and rights and report its finding to the General

Assembly at the 1956 session. All other agencies of the Commonwealth shall cooperate with the Legislative Research Commission in making this study when requested by the commission to do so.

By Mr. Lowman.

H. B. No. 498. AN ACT relating to motor vehicle headlights and amending Section 189.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.040 of the Kentucky Revised Statutes is hereby amended to read as follows:

1. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this section.

2. Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this section.

3. Except as hereinafter provided, the head lamps or the auxiliary driving lamps or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distribution of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading none

of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(c) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 19—, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

4. Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 189.030, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations:

5. Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph 3 (b) above shall be deemed to avoid glare at all times, regardless of road contour and loading.

6. Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this Act other than the uppermost distribution of light specified in paragraph 3 (a) above.

7. Headlights arranged to provide a single distribution of light not supplemented by auxiliary driving lights shall be permitted on motor vehicles manufactured and sold prior to May 30, 1939, in lieu of multiple-beam road lighting equipment, if the single distribution of light complies with the following requirements and limitations:

(a) The headlights shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a

level of five inches below the level of the center of the light from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands, at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(c) Whenever the operator of a motor vehicle approaches an oncoming vehicle within five hundred feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. In no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.

8. Flashing lights are prohibited on all motor vehicles, except as a means for indicating a right or left turn. This subsection shall not apply to authorized emergency vehicles and wreckers.

9. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front. This subsection shall not apply to authorized emergency vehicles.

10. All wreckers when in use at the scene of a motor vehicle accident shall display at least one yellow flashing light clearly visible to all vehicles approaching the scene of the accident.

11. Bicycles need have only one light in front which will reveal clearly substantial objects at least fifty feet ahead.

By Mr. Buchanan.

H. Res. No. 87. A JOINT RESOLUTION authorizing the recognition of the seventy-fifth anniversary of Union College, etc.

Said bill is as follows, viz:

WHEREAS, Union College, Barbourville, Kentucky, will observe its seventy-fifth anniversary and Diamond Jubilee on May 27, 1954; and

WHEREAS, Union College has invited the Honorable Richard Nixon, Vice-President of the United States, to be its guest speaker on said occasion; and

WHEREAS, it would be a distinct honor to the Commonwealth of Kentucky and to all of its citizens to have said distinguished American as its guest on said occasion,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the members of the 1954 session of the General Assembly of the Commonwealth of Kentucky do hereby extend an invitation to the Honorable Richard Nixon, Vice-President of the United States, to visit the Commonwealth of Kentucky and to deliver an address on the campus of Union College, Barbourville, Kentucky, and that the full measure of Kentucky hospitality be extended to him and to all visitors to our Commonwealth on said occasion.

Mr. Lowman moved that the House adjourn until 11:00 A. M. Friday, March 5, 1954.

Said motion was agreed to.

And the House did then adjourn.

FRIDAY, MARCH 5, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Wallace Bartley	Leo A. Bleemel
John Rhea Banton	Charles E. Baumgardner, Sr.	Edward O. Bridgers
Clarence J. Barnum	Owen Billington	Charles W. Buchanan

Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
George R. Martin
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
Charles W. Burnley, Speaker

—78

Mr. Lowman moved that the reading of the Journal of the proceedings of Thursday, March 4, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

INTRODUCTION OF RESOLUTIONS AND BILLS

Resolutions and bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Wathen.

H. Res. No. 88. A JOINT RESOLUTION commending the University of Louisville and Western Kentucky State College for the glory and honor that they have brought to the Common-

wealth of Kentucky by the presence of their basketball teams in the National Invitational Basketball Tournament.

Said resolution is as follows, viz:

WHEREAS, the University of Louisville and Western Kentucky State College have brought honor and glory to the Commonwealth of Kentucky by the presence of their basketball teams in the National Invitational Basketball Tournament; and

WHEREAS, these two fine basketball teams have compiled excellent season records against the best competition available; and

WHEREAS, the athletic departments of these two colleges are to be complimented for the high level of attainment which they have achieved.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the 1954 session of the General Assembly of the Commonwealth of Kentucky does hereby express its commendation to the University of Louisville and Western Kentucky State College for the honor and glory which their basketball teams have brought to the Commonwealth of Kentucky by their presence in the National Invitational Basketball Tournament.

By Mr. Mobley.

H. Res. No. 89. A RESOLUTION extending the best wishes and moral support of the people of Kentucky to the basketball teams of the Western Kentucky State College and the University of Louisville in their participation in the National Invitational Basketball Tournament at Madison Square Gardens in the City of New York.

Said resolution is as follows, viz:

Whereas the basketball teams of the Western Kentucky State College and the University of Louisville have, by their outstanding records, earned invitations to compete in the National Invitational Basketball Tournament in Madison Square Gardens in New York, and

Whereas all the citizens of the Commonwealth will be following their play with a great deal of interest, and

Whereas the success that both these teams meet will reflect most creditably on the entire Commonwealth and will further insure the recognition of this commonwealth as the basketball capitol of the United States.

Now, therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Senate of the Commonwealth of Kentucky go on record as extending their best wishes and moral support on behalf of the people of Kentucky to the basketball teams of the Western Kentucky State College and the University of Louisville in their play in the National Invitational Basketball Tournament.

By Mr. McClanahan.

H. Res. No. 90. A RESOLUTION pertaining to the athletic program of the University of Kentucky.

Said resolution is as follows, viz:

WHEREAS, the December, 1953 issue of AMERICAN LEGION MAGAZINE contains a feature story titled "Basketball hasn't learned ITS LESSON" and emphasizes that "College basketball is still playing with fire despite the warnings of collegiate investigators and advisers", one paragraph of which story quotes an alleged statement from a Kentucky University star who had been caught in the Madison Square Garden bribery scandals, including the nationally publicized ideas of "New York General Sessions Judge Saul Streit who presided at many of the basketball bribe trials, * * ", and

WHEREAS, such story also details " * * National Collegiate Athletic Association, the ruling athletic body for more than three hundred colleges and universities * * " as recommending that (1) intercollegiate athletic contests be held in campus fields or buildings, (2) in the absence of such facilities then that " * * the collegiate institution has effective control, management and supervision. * * " and (3) institutions eliminate overlong sessions, but says " * * while the Garden has curtailed

its basketball program the big arenas in Chicago, St. Louis, San Francisco, Kansas City and Los Angeles still offer college basketball." and brings out the fact that "The NCAA * * has itself scheduled its regional post-season tourneys in public arenas such as a Chicago Stadium and Kansas City's Municipal Auditorium. * * ", and

WHEREAS, conditions attributable to the handling of the New York General Sessions Trials resulted in unfavorable publicity to University of Kentucky, which was attributable to its national recognition as an institution where football, basketball and other sports could be co-ordinated under competent leadership and coaching so that athletes qualified to make the Kentucky football and basketball teams have also demonstrated outstanding educational and leadership qualifications, and

WHEREAS, players on the 1952-1953 Kentucky University basketball squad were arbitrarily and capriciously punished by NCAA and SEC authorities because of alleged violations of rules which admittedly are not followed by other institutions in both associations, and

WHEREAS, Kentucky University has fielded (1) a series of football teams which have received top flight ranking in all particulars, including sportsmanship and educational standing and (2) a series of basketball teams which, notwithstanding such unreasonable and unnecessary penalty has completed its 1953-1954 season without a loss with twenty-four wins and is ranked by both Associated Press and United Press as the Nation's top ranking team, and

WHEREAS, the scandals described by said AMERICAN LEGION MAGAZINE story are attributable to failure of the New York General Sessions Courts and Judges to enforce ordinary laws against gambling prior to January 1951, when such scandals commenced to break, with resulting personal publicity to the Trial Judge who gained national recognition through punishing players and broadcasting recommendations resulting from the open gambling conducted in Madison Square Gardens during previous years when such Courts and their Judges did not enforce the law, and

WHEREAS, under more or less similar conditions during March 1947 when the annual Kentucky high school basketball championship series was in progress, with open gambling on a Madison Square Gardens basis, the Louisville Chief of Police raided the buildings permitting such gambling and arrested twenty-one men, including three coaches, with the result that throughout Kentucky there has been no recurrence or gambling in athletics at any stage, the Press stories emphasizing the bribery and other hazards attributable to gambling of this type, and

WHEREAS, pursuant to such NCAA recommendations University of Kentucky maintains a field house for basketball, seating in excess of fourteen thousand, and a stadium for football, seating in excess of thirty thousand spectators, both being on its campus and under its supervision, and

WHEREAS, much of the inherent combat efficiency of American troops in three Wars has been attributable to the leadership and training received in athletics through qualified coaching in both high school and college, including baseball, basketball, football and other athletic teams, and

WHEREAS, an overwhelming majority of students throughout the entire Nation receiving higher education are assisted through scholarships of various types based on mental, physical and other capabilities, including anticipated athletic ability, all of which is based upon high school records, and

WHEREAS, the University of Kentucky through its said field house and stadium campus facilities, conducted by a qualified athletic department including competent baseball, football, basketball and other coaches has demonstrated the benefits resulting from co-ordination between the various branches, so that graduates of the University of Kentucky, in addition to being qualified to teach in education, are also trained in leadership and are capable of coaching the various high school and other athletic teams, and

WHEREAS, the General Assembly of Kentucky recognizes the benefits to the entire State of Kentucky resulting from such coordinated program as operated by the University of Kentucky, with special emphasis upon the campus baseball, football and

basketball contests, with gambling and other objectionable features eliminated,

NOW, THEREFORE, BE IT RESOLVED that the General Assembly of Kentucky in its regular 1954 Session does hereby (1) respectfully congratulate the Governing authorities of the University of Kentucky and recommends that the existing co-ordinated educational program be continued including the conduct of athletic events and (2) that the athletic authorities, including the coaches, be congratulated upon the highly successful athletic teams which are being fielded and that the Kentucky program, including the elimination of gambling, be recommended to the NCAA and SEC as the proper standard for securing the best results in training students.

By Mr. Hilton.

H. B. No. 499. AN ACT relating to penalty for neglect of child, and amending subsection (1) of Section 405.990 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 405.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates KRS 405.030 shall be imprisoned for not less than one nor more than three years.

By Mr. Baumgardner.

H. B. No. 500. AN ACT to repeal an act, entitled AN ACT to create the Kentucky State Real Estate Commission and/or being section 324.281 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

An act entitled an act to create the Kentucky State Real Estate Commission of Kentucky and/or being section 324-281 of the Kentucky Revised Statutes. Be and the same is hereby repealed.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 474. AN ACT relating to revenue and taxation in cities of the fifth and sixth classes.

H. B. No. 171. AN ACT relating to implied warranties concerning the soundness or condition or suitability for use of certain articles of food or drink, and the service or process in action based upon such warranties.

H. B. No. 361. AN ACT creating a retirement system for state employes.

S. B. No. 111. AN ACT relating to abandoned cemeteries within cities of the first class.

S. B. No. 109. AN ACT relating to the salaries of members of the board of aldermen of cities of the first class.

H. B. No. 450. AN ACT relating to holidays, and amending Section 2.110 of the Kentucky Revised Statutes.

S. B. No. 104. AN ACT providing for the regulation of the practice of ophthalmic dispensing; authorizing the issuance of licenses to qualified ophthalmic dispensers; creating a Board to be known as the "Kentucky Board of Ophthalmic Dispensers", and conferring duties upon such Board; and providing for penalties for the violation of this Act.

J. R. No. 80. A JOINT RESOLUTION authorizing Mrs. James Ernest Nantz to sue the Commonwealth of Kentucky and the State Tuberculosis Hospital Commission, or either.

H. R. No. 74. A JOINT RESOLUTION authorizing Mrs. Emma McCoun and Mrs. Orene Swango Davis to sue the Commonwealth of Kentucky and the Department of Highways, or either.

J. R. No. 71. A JOINT RESOLUTION authorizing Henry H. Meadows, of Boone County, to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either.

H. R. No. 72. A RESOLUTION authorizing Dewey Rice,

individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky or either.

J. R. No. 68. A JOINT RESOLUTION authorizing Dr. R. H. Miller, of Louisville, Jefferson County, Kentucky, to sue the Commonwealth of Kentucky and the State Fair Board.

J. R. No. 63. A JOINT RESOLUTION authorizing Pearl Troxel of Jefferson County to sue the Commonwealth of Kentucky and the Department of Mental Health, or either.

J. R. No. 62. A JOINT RESOLUTION authorizing James Daniel Chancey, of Jefferson County, to sue the Commonwealth of Kentucky.

J. R. No. 60. A JOINT RESOLUTION authorizing payment of a claim by Sherman Combs against the Department of Highways and the Commonwealth of Kentucky.

H. R. No. 47. A JOINT RESOLUTION authorizing Clarence Brewer Price and Ruby Irene Price, his wife, of Christian County, to sue the Commonwealth of Kentucky and the Department of Highways, either or both.

J. R. No. 58. A JOINT RESOLUTION authorizing Howard A. See, Guardian of Garred C. See, an infant, and A. T. See, father of Garred C. See, an infant, to sue the Department of Highways and the Commonwealth of Kentucky, either or both.

J. R. No. 45. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Cola Combs of Perry County, Kentucky, committee for Samantha Mix.

H. R. No. 44. A JOINT RESOLUTION authorizing the personal representative of the estate of Walter Deaton to sue the Commonwealth of Kentucky and the Department of Mental Health, or either.

H. R. No. 28. A JOINT RESOLUTION authorizing and directing the payment of the claim of T. J. Nicely, Rockcastle County Court Clerk, for the recording of right of way deeds in

favor of the Commonwealth of Kentucky, Department of Highways.

H. Res. No. 56. A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study and report of the conditions of retail installment financing in Kentucky.

H. B. No. 466. AN ACT relating to authorization of the Commissioner of Welfare regarding method of return of parole and probation violators and escaped prisoners.

H. B. No. 465. AN ACT relating to the administrative officer of the Court of Appeals, amending KRS 21.220, and repealing KRS 21.155.

H. B. No. 464. AN ACT providing for payment of fees out of the state road fund and by the county fiscal courts to the county court clerk for taking acknowledgments, certifying and recording right-of-way deeds for State and County.

H. Res. No. 69. A JOINT RESOLUTION inviting John Sherman Cooper to address a joint session of the General Assembly.

H. Res. No. 77. A JOINT RESOLUTION inviting Earl C. Clements to address a joint session of the General Assembly.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Burnley, Chairman of the Rules Committee, reported bills and resolutions of the following numbers, viz:

House Bills 339, 435, 436, 169, 340, 286, 434, 428, Senate Bills 135, 83 and House Resolution 41.

As the Orders of the Day for consideration by the House.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 435. AN ACT relating to executions on money due or to become due from the state, state agencies or political subdivisions, and to the execution and garnishment of money or other personalty held by public officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

"Execution" means an execution directed against money due or to become due to the judgment debtor from the state, state agency, political subdivision or public officers;

(2) "State agency" means any department, division, institution, board, commission, bureau, or other agency of the state government;

"Political subdivision" means any county, county board of education, city, or any other public corporation or governmental unit organized to perform one or more of the functions of local government;

(4) "Public officer" means the officer of the state, a state agency, or a political subdivision, as the case may be, upon whom to make service of executions;

(5) "Judgment creditor" means the owner of a money judgment.

Section 2. (1) Upon the return of an execution wholly or partly unsatisfied a judgment creditor may apply to the court in which the judgment was recovered or a court having jurisdiction of the same, without notice to the judgment debtor, for an execution against any money due or to become due within one year after the issuance of the same to the judgment debtor from the state, a state agency, or any political subdivision of the state. If satisfactory proof shall be made, by affidavit or

otherwise, of such facts, and, where the execution is sought against salary or wages, of the fact that the amount due or to become due as salary or wages exceeds eighteen dollars per week, the court shall issue an execution against such money due or to become due to the judgment debtor, and there shall be entered on the face thereof the day and hour of issuance.

(2) Such execution and the expenses thereof shall, when served by the officer to whom delivered for collection in the manner hereinafter provided, upon the state, a state agency, or political subdivision from which such money is due or may thereafter become due to the judgment debtor, become a lien and continuing levy upon the sums due or to become due to the judgment debtor within one year after the issuance of the same, but not to exceed the specified amount of salary or wages as hereinafter provided, unless sooner satisfied, vacated or modified.

(3) Where more than one execution shall have been issued pursuant to the provisions of this Section against the same judgment debtor, they shall be satisfied in the order of priority in which they are served upon the state, state agency, or political subdivision from which such money is due or shall become due. For purposes of determining such priority the time that an execution served by mail is received, and not the time of service, shall control. In the case of two or more executions received in the same mail delivery priority shall be accorded the one first issued.

Section 3. (1) An execution issued under this Act against salary or wages shall become a lien and continuing levy upon sums due or to become due to the judgment debtor as salary or wages, but in no event shall the payments in satisfaction of such an execution reduce the amount payable to the judgment debtor to less than eighteen dollars per week. An execution against salary or wages shall contain the name of the judgment debtor and the bureau, office, department, institution or subdivision thereof of the state or political subdivision of the state, as the case may be, of which he is an officer or employe. If a person so employed shall resign or be dismissed while an execution issued hereunder against his salary or wages is wholly or partly unsatisfied, and he shall thereafter be reinstated or reemployed, the execution shall lapse and no further deduction shall be made with

respect thereto from his salary or wages unless such reinstatement or reemployment shall occur within ninety days after such resignation or dismissal. An execution shall not be affected by the transfer of the judgment debtor from one bureau, office, department, institution of the state or a political subdivision to another if the officer upon whom service of the execution was made would be the proper officer for service of an execution against salary or wages due or to become due to the judgment debtor in the new employment.

(2) Such an execution shall not become a lien against salary or wages payable by the state or a state agency within ten days after the service thereof or payable by a political subdivision within five days after the service thereof but shall become a lien and continuing levy upon the salary or wages which shall become due or owing to the judgment debtor thereafter during the life of the execution.

(3) Only one execution against the salary or wages of a judgment debtor shall be satisfied at one time, except that in the event two or more such executions have been served and satisfaction of the one having priority is completed without exhausting the amount of the salary or wages then due and payable that is subject to execution under this Act, the balance of such amount shall be paid in satisfaction, in the order of their priority, of junior executions against such salary or wages theretofore served.

Section 4. A certified copy of an execution issued under this Act against salary or wages shall be served upon the judgment debtor. Such service shall be made by the sheriff by enclosing the copy in a postpaid envelope addressed to the judgment debtor or his agent authorized to accept service of process, and forwarding the same by registered mail, return receipt requested. The day and hour of such mailing shall be clearly noted on the face of the original execution and the officer to whom it is delivered for collection shall not make service upon the proper officer until the expiration of five days from that time. The fee for service of notice under this Section shall be twenty-five cents without any additional allowance for postage, registry fee, or other expenses incurred in effecting service.

Section 5. (1) An execution issued under this Act against

money due and owing or to become due and owing from the state, or a state agency which shall be payable on the warrant of the Department of Finance for the payment thereof directed to the judgment debtor must be served upon the Commissioner of Finance and the State Treasurer. Such service shall be made by exhibiting and at the same time delivering a true copy of the original execution, and paying the prescribed fee, to the proper officer, or to a person in his office designated and authorized by the Commissioner of Finance or head of such department, institution, or agency, as the case may be, by writing filed in such office to receive it. Service of such an execution may be made by mail by the court who issued the execution or by the officer to whom the same is delivered or by any credible person, by enclosing the original execution in a postpaid envelope addressed to the proper officer and agency together with a true copy thereof and the amount of the prescribed fee. Service by mail shall not be deemed to be complete until the original execution shall have been returned to the court who issued it.

(2) An execution against a political subdivision of the state shall be served upon the chief financial officer charged with the duty of issuing warrants, checks or orders for the payment of such claims, in like manner as service hereunder upon state officers, except that service by mail shall not be sufficient or binding.

(3) Service of a vacating or modifying order issued pursuant to Section 6 of this Act shall be made in the manner herein prescribed for the service of an execution.

Section 6. Either party may apply at any time to the court, from which such an execution shall have issued, upon such notice to the other party as such court shall direct, for the vacation or modification of the execution. After conducting a hearing thereon, the court shall vacate the execution if satisfaction of the same or the judgment be made out by affidavit or otherwise, and in any case may make such modification of the execution as shall be deemed just, and such execution as so modified shall continue in full force and effect until paid and satisfied, or until vacated or further so modified. Such an execution may be vacated at any time upon the application of the judgment creditor without notice or a hearing and in such a case the clerk of a court shall have

power to vacate the execution if issued out of his court. For the protection of the state, state agency, political subdivision or public officer, the lien of an execution shall, as regards them, be deemed unaffected by a vacating or modifying order prior to service of such order upon the state, state agency, political subdivision or public officer.

Section 7. An execution which expires wholly or partly unsatisfied may be renewed from time to time in the manner in which it was originally issued and for a like period. The renewal execution shall conform to the original save that it shall state in addition the fact that it is a renewal and shall be issued only for the balance due on the judgment. A renewal execution shall retain the same priority of lien as the original if, and only if, served within thirty days before the expiration of the life of the original.

Section 8. (1) A filing fee of one dollar shall be paid the proper officer for each execution or renewal thereof served upon him. A filing fee of fifty cents shall be paid such officer for any other paper served upon him under this Act. The sums so received shall, in the case of the state or a state agency, be paid into the state treasury, to the credit of the general fund, and, in case of a political subdivision, be paid over to the credit of its general fund.

(2) The general laws governing the fees of courts and court officers shall apply to the duties and functions performed under this Act. In no event, however, shall the fee for modifying or vacating an execution exceed one dollar.

Section 9. (1) It shall be the duty of the proper officer, after service of an execution under this Act, bearing the notation required by Section 4 hereof, if directed against salary or wages, to pay to the court issuing the execution or to the officer presenting the same such sums as may be or shall thereafter become due to the judgment debtor from the state, state agency, political subdivision or public officer during the life of the execution until it shall be wholly satisfied.

(2) Any public officer who, acting in bad faith, pays over or refuses to pay over money, in violation of the rights of one or

more parties in interest, shall be personally liable to such party or parties.

(3) If a political subdivision shall fail or refuse to pay over to the officer who served the execution the amount due the judgment debtor or the required percentage thereof in the case of salary or wage, it shall be liable to an action therefor by the judgment creditor named in the execution and the amount recovered in the action shall be applied toward the payment of the execution.

(4) No judgment may be recovered against the state but a judgment creditor may bring an action against the proper officer for a declaratory judgment establishing his right to have sums due or to become due to his judgment debtor or from the state or a state agency applied in satisfaction of the execution issued on his judgment pursuant to this Act. Such an action may be brought against the Commissioner of Finance only in the Franklin Circuit Court.

Section 10. An execution issued and served under this Act shall have priority over an assignment filed with the proper officer subsequent to service of the notice required by Section 4 hereof in the case of salary or wages and subsequent to service of the execution in any other case. This Section is not intended and shall not be deemed to modify the now existing law governing the validity of the assignment of the salary or wages of a public officer or employe.

Section 11. An execution issued and served under this Act shall, in the case of money due or to become due to a contractor on public work, apply only to such sums as shall be payable to the contractor after completion and acceptance of the work. Certification of completion and acceptance by the officer or body whose duty it is to make such determination shall be sufficient evidence to the proper officer of the facts of completion and acceptance for purposes of making payment in satisfaction of executions issued under this Act.

Section 12. (1) A judgment debtor to whom money is due or to become due which would otherwise be subject to execution under this Act may have the same exempted from levy in the manner and to the extent now provided by law. In the case

of salary or wages the exemption may be claimed for sums currently accruing but must be asserted anew as to any salary or wages which shall begin to accrue after the next payment date. Such exemption shall not be binding upon the state, state agency or political subdivision of which the judgment debtor is an officer or employe unless a certificate of exemption or true copy thereof shall have been delivered to the proper officer upon whom to make service of an execution under this Act.

(2) Money due to any lawful beneficiary thereof from any workmen's compensation, unemployment compensation, pension or retirement, or public assistance or relief fund or system, shall not be subject to execution under this Act.

(3) Public obligations, whether in the form of bonds, notes, certificates of indebtedness, or otherwise, and whether negotiable or non-negotiable, shall not be subject to execution under this Act.

Section 13. It shall be the duty of the officer to whom an execution shall be delivered to account for any pay over to the person entitled thereto all moneys collected on such execution, less his lawful fees and expenses for collecting the same. In case of salaries, wages or other claims payable periodically, such accounting and payment shall be made from time to time and at least once every three months from the time a levy shall have been made.

Section 14. Money and other personal property in the hands of a sheriff, constable, clerk of court, justice of the peace or other public officer who shall hold the same by virtue of his office and which belongs or is owed to any person shall be subject to garnishment and execution in the same manner and to the same extent as if held by him as a private individual, except that money or other property which is in custodia legis shall be paid or delivered into the court to abide the result of the suit, unless the court shall otherwise direct. This Section does not apply to public property or funds.

Section 15. Existing law governing the presentment, audit and allowance of claims against the state, a state agency, or a political subdivision is not affected hereby and the provisions

hereof shall not be deemed to permit payments in excess of appropriations not otherwise permitted by law.

Mr. Edmonds moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	C. Ruby Harralson	Walter R. Moorman
Clarence J. Barnum	Henry R. Heyburn	Eddie J. Morris
Charles E. Baumgardner, Sr.	Estill R. Hilton	Thomas J. Murphy
	Talmage Lacy	C. Waitman Taylor
William J. Conley	Shelby McCallum	Eulick Walsh
Vernor O. Cottengim	William C. Mann	Charles W. Wirsch
Thomas P. Fitzpatrick		

—18

Those who voted in the negative were—

Wallace Bartley	W. Marvin Davis	W. L. Hadden
Leo A. Bleemel	John L. Day	Harold G. Helm
Harry M. Caudill	Albert Dempsey	David Heskamp
Cassius M. Clay	C. E. Dowell	Lon C. Hill
R. Josh Cosby	Harold Edmonds	Varna Holt
Charles W. Craig	Herbert Fern	William M. Horn

James W. Lambert	Foster Ockerman	LeRoy Saylor
Harry King Lowman	Louis T. Peniston	Mrs. Thelma L. Stovall
Ralph E. McClanahan	Edward D. Pollitte	James Treadway
Caleb McFadden	Paul T. Ratcliffe	Morris Weintraub
Tom Mobley	Jack Raybourne, Jr.	Mrs. Randolph Wilson
Robert K. Montgomery	Hobart Rayburn	Walker H. Wiseman
Goebel W. Newsom, Jr.	Lloyd E. Rogers	
	Joe Rouse	
	Cecil C. Sanders	

—40

Said bill was rejected.

Mr. Weintraub moved that the vote by which H. B. No. 435 was rejected be reconsidered and that the bill be placed on the Clerk's desk, for further consideration.

Said motion was disagreed to by voice vote.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in that body as follows, viz:

S. B. No. 187. AN ACT relating to the preservation of bank records.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Preservation of bank records.

A. Every state bank shall retain its business records for such periods as are or may be prescribed by or in accordance with the terms of this Section.

B. Each state bank shall retain permanently the minute book of meetings of its stockholders and directors, its capital stock ledger and capital stock certificate ledger or stubs, its general ledger, its daily statements of condition, its general journal, its investment ledger, its copies of bank examination reports, and all records which the Commissioner of Banking

shall in accordance with the terms of this Section require to be retained permanently.

C. All other bank records shall be retained for such periods as the Commissioner of Banking shall in accordance with the terms of this Section prescribe.

D. The Commissioner of Banking shall from time to time issue regulations classifying all records kept by state banks and prescribing the period for which records of each class shall be retained. Such periods may be permanent or for a lesser term of years. Such regulations may from time to time be amended or repealed. Prior to issuing any such regulation the Commissioner of Banking shall consider

(1) Actions at law and administration proceedings in which the production of bank records might be necessary or desirable.

(2) State and federal statutes of limitation applicable to such actions or proceedings.

(3) The availability of information contained in bank records from other sources.

(4) Such other matters as the Commissioner shall deem pertinent in order that its regulations will require banks to retain their records for as short a period as is commensurate with the interests of bank customers and shareholders and of the people of this State in having bank records available.

E. Any state bank may dispose of any record which has been retained for the period prescribed by or in accordance with the terms of this Section for retention of records of its class, and shall thereafter be under no duty to produce such record in any action or proceeding.

F. Any state bank, including the Department of Banking, may cause any or all records at any time in its custody to be reproduced by the microphotographic process and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

G. To the extent that they are not in contravention of any law of the United States, the provisions of this Section shall apply to all banks doing business in this State.

S. B. No. 158. AN ACT relating to the manufacture and sale of prison-made goods.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Welfare is hereby authorized to purchase in the manner provided by law, equipment, raw materials and supplies, and to employ the supervisory personnel necessary to establish and maintain for this state, industries at the penitentiary or any penal farm or institution of the department, for the purpose of utilizing the services of prisoners in the manufacture or production of such articles or products, including license plates, road signs and other articles and products heretofore manufactured or produced, as may be needed for the construction, operation, maintenance or use of any office, department, institution or agency supported in whole or in part by this state or the political subdivisions thereof.

Section 2. (1) On and after the effective date of this Act all offices, departments, institutions and agencies of this state which are supported in whole or in part by this state shall purchase, and all political subdivisions of this state may purchase, when economically feasible from the Department of Welfare all articles or products required by such offices, departments, institutions, agencies, or political subdivisions of this state, produced or manufactured by prison labor, as provided by this Act, and no such article or product shall be purchased by any such office, department, institution, or agency, from other source, except as hereinafter provided:

(a) Exceptions may be made in any case where, in the opinion of the Department of Finance, the articles or products so produced or manufactured do not meet the reasonable requirements of such offices, departments, institutions, agencies, or, in any case, where the requisition cannot be reasonably complied with because of an insufficient supply of the articles

or products required. However, no office, department, institution or agency, shall be allowed to evade the intent and meaning of this Act by slight variations from standards adopted by the Division of Purchases, when the articles or products produced or manufactured by the Department of Welfare in accordance with said standards, are reasonably adapted to the actual needs of such office, department, institution, or agency.

(2) All purchases, under this Act shall be made through the Department of Finance, upon requisition by the proper authority of the office, department, institution, agency or political subdivision of this state.

Section 3. The articles or products manufactured or produced by prison labor in accordance with the provisions of this Act shall be devoted, first, to fulfilling the requirements of the offices, departments, institutions, and agencies of this state which are supported in whole or in part by this state, and, secondly, to supply the political subdivisions of this state with such articles and products.

Section 4. The Department of Welfare, with the approval of the Department of Finance, shall establish the prices at which all articles or products manufactured or produced shall be furnished.

Section 5. All moneys collected by the Department of Welfare from the sale or disposition of articles and products manufactured or produced by prison labor in accordance with the provisions of this Act, shall be forthwith deposited with the State Treasurer to be there kept and maintained as special revolving accounts, each designated as a "Trust and Agency Account" as now in effect, and as may be necessary, and such moneys so collected and deposited shall be used for the purposes of carrying out this Act, except that such moneys may be used for other than prison industry purposes within the Department of Welfare with the approval of the Commissioner of Welfare and the Departmnt of Finance.

Section 6. The Department of Welfare is authorized to enter into contracts approved by the State Property and Buildings Commission with any person or persons upon a self-liquidating basis respecting the acquisition and purchase of any such

equipment, tools, supplies and materials, so that it may be paid for over a period of not exceeding five years. The aggregate amount of such purchases or acquisitions shall not exceed two hundred and fifty thousand dollars unless specifically approved by the Governor and such amounts are to be payable solely out of the revenues derived from the activities authorized by this Act. Nothing in this section shall be so construed or interpreted as to authorize or permit the incurring of a state debt of any kind or nature as contemplated by the Constitution.

Section 7. On and after the effective date of this Act, it shall be unlawful to sell or offer for sale, except to Federal institutions within the state boundaries, on the open market of this state any articles or products manufactured or produced, wholly or in part, in this or any other state by convicts or prisoners of this state, or any other state, except convicts or prisoners on parole or probation.

Section 8. (1) Any person who willfully violates any of the provisions of this Act for which no other penalty is herein provided, shall be fined not less than ten dollars nor more than five hundred dollars, or confined in jail for not less than ten days nor more than one year, or both.

(2) Any person violating the provisions of Section 7 of this Act shall be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned in the county jail for not less than three months nor more than one year, or both.

Section 9. Sections 197.080, 197.090 and 197.100 of the Kentucky Revised Statutes are repealed.

S. B. No. 211. AN ACT relating to motor vehicles and the operators thereof; etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.181 of the Kentucky Revised Statutes is amended to read as follows:

The Kentucky State Police and peace officers shall seize any registration plate bearing a cancelled number. The Kentucky

State Police shall report all cancellations to the Department of Revenue.

Section 2. Section 186.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The administration of the provisions of KRS 186.400 to 186.640 not specifically vested in the Department of Revenue or the circuit clerks shall be vested in the Department of State Police, referred to in KRS 186.400 to 186.640 as "department." The department may prescribe regulations for the enforcement of KRS 186.400 to 186.640;

(2) The Department of Revenue shall collect all moneys due the state from the circuit clerks for operators' licenses issued and shall deposit those moneys with the State Treasurer;

(3) The Department of Revenue shall provide or cause to be provided to appropriate persons or officials an adequate supply of forms necessary for the issuance of licenses and accounting of fees and penalties and may prescribe regulations which it deems necessary for the proper administration of its duties specified in KRS 186.400 to 186.640.

Section 3. Subsection (3) of Section 186.410 of the Kentucky Revised Statutes is amended to read as follows:

(3) The clerk shall retain twenty-five percent of fees and penalties for the issuance of licenses, and shall forward to the Department of Revenue the remainder of fees, penalties and other moneys collected under the provisions of KRS 186.400 to 186.640.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

The Department of Revenue, after receipt from the clerk of copies of applications for licenses accompanying the weekly reports required by KRS 186.490 (6), shall audit the clerk's account and immediately thereafter shall transfer to the department the applications for licenses.

Section 5. Section 186.490 of the Kentucky Revised Statutes is amended to read as follows:

The circuit clerk of each county shall:

(1) Comply with all rules and regulations issued by the department and Department of Revenue under KRS 186.400 relating to his duties;

(2) Act for the Department of Revenue for the purpose of issuing operators' licenses;

(3) Forward a copy of the application received from a person not residing in the county to which he has applied for licenses, to the circuit clerk of the county in which the applicant resides;

(4) Administer the oath required by KRS 186.460 to the applicant without fee;

(5) Issue a license, when he has determined that the applicant has fully complied with the law governing applications and examinations;

(6) Report and remit each Monday to the Department of Revenue all moneys collected during the preceding week and a copy of all applications taken by him during the same period. Upon failure of any clerk to report and remit these for more than seven days after due date, he shall pay, in addition to the amount due, a penalty of ten percent of the amount due. Penalties collected under this section shall be paid into the State Treasury as a part of the revenue collected under KRS 186.410;

(7) Keep adequate records of all moneys collected and remitted to the Department of Revenue;

(8) Keep in his office at all times available to the department a record of all licenses issued in his county, all denials, cancellations, suspensions, revocations or withdrawals of operator's licenses within his county and, to the extent that he is advised, of all other withdrawals of the privilege to operate a motor vehicle on the highways.

Section 6. Section 186.575 of the Kentucky Revised Statutes is amended to read as follows:

It shall be the duty of the department to take up any motor vehicle operator's license that has been cancelled, revoked, suspended, denied or withdrawn under the provisions of Kentucky Revised Statutes, Chapter 186 or 187.

Section 7. The introductory phrase and subsection (1) of Section 187.290 of the Kentucky Revised Statutes are amended to read as follows:

The following words and phrases, when used in KRS 187.290 to KRS 187.620, shall, for the purpose of KRS 187.290 to 187.620, have the meaning respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) "Department"—The Department of State Police, except where otherwise specified herein.

Section 8. Subsection (1) of Section 187.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which total property damage of one hundred dollars or more is sustained, shall, within ten days, report the matter in writing to the department. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident, shall, as soon as he learns of the accident, report the matter in writing to the department. The operator or the owner shall make such other and additional reports relating to such accident as the department shall require.

Section 9. From the funds appropriated to the Department of Revenue out of the State Road Fund for the 1954-1955 and 1955-1956 fiscal years, there is hereby transferred to the Department of State Police $87,000 in the 1954-1955 fiscal year and $88,000 in the 1955-1956 fiscal year for the purpose of administering this Act.

S. B. No. 219. AN ACT relating to teachers' tenure.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.740 of the Kentucky Revised Statutes is amended to read as follows:

(1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:

(a) Hold a standard or college certificate as defined in KRS 161.720;

(b) When a teacher is recommended for reemployment after teaching four years in a district, the superintendent shall recommend said teacher for a continuing contract, and, unless the board of education by a four-fifth vote of its full membership rejects the continuing contract of the teacher, a written continuing contract shall be issued. If the board of education rejects the continuing contract of the teacher recommended, the superintendent may recommend employment of such teacher, under a limited contract for not to exceed two years, but upon subsequent reemployment only a written continuing contract shall be entered into.

(c) When a teacher has attained continuing contract status in one district and is employed in and transfers to another district, upon the recommendation of the superintendent the board of education may at the time of employment, or at any time within a two year period, declare any transfer teacher eligible for a written continuing contract and extend to such teacher such contract. If during the two year period the teacher has not received a written continuing contract and the teacher is recommended for reemployment at the end of the two year period, the superintendent shall recommend said teacher for a continuing contract and if reemployed a written contract shall be issued.

(d) Any teacher who has taught six years or more and is eligible for a continuing contract but has not received such contract shall, if employed for the school year 1955-56, receive a written continuing contract.

(2) Any teacher or superintendent who has been or may be hereafter inducted into the Armed Forces of this country for service in the present war, shall at the expiration of such service be reemployed or reinstated in his or her former position as of the beginning of the next school year provided application is made at least thirty days before the opening of school, unless physically or mentally incapacitated. Any teacher or superin-

tendent desiring reinstatement in his or her former position shall file application for same with the board of education within a period of sixty days immediately following discharge from the Armed Forces of the country. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under limited contracts only.

S. B. No. 190. AN ACT relating to Revenue and Taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 140.060 of Kentucky Revised Statutes, 1953 edition, is amended to read as follows:

All transfers to educational, religious or other institutions, societies, or associations, whose sole object and purpose are to carry on charitable, educational, or religious work, all transfers for or upon trust for any charitable, educational, or religious purpose, and all transfers to cities, and towns or public institutions in this state for public purposes shall be exempt from the tax imposed by this Chapter. But no such corporation or association shall be entitled to such exemption if any officer, member, stockholder or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes or as proper beneficiary of its strictly charitable purpose; or if the organization thereof, for any such avowed purpose, be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes.

S. B. No. 82. AN ACT relating to insurance applications, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.656 of the Kentucky Revised Statutes is amended to read as follows:

(1) All statements or descriptions in any application for an insurance policy or in negotiations therefor, by or in behalf of the insured, shall be deemed to be representations and not warranties. Misrepresentations, unless material or fraudulent, shall not prevent a recovery on the policy.

(2) Any agent obtaining the application for a policy of insurance and the doctor who examines the insured, shall be deemed to be the agents of the insurer. If fraud be alleged by either party concerning the obtaining of such applications, the writing in of the answers given by the insured, or the issuance of a policy of insurance thereon, oral testimonies shall be admissible to prove or defeat such allegations.

S. Res. No. 56. A RESOLUTION extending the best wishes and moral support of the people of Kentucky to the basketball teams of the Western Kentucky State College and the University of Louisville in their participation in the National Invitational Basketball Tournament at Madison Square Gardens in the City of New York.

Ordered that said bills and resolutions be printed and referred.

A message was received from the Senate that they had passed a bill originating in the House as follows, viz:

H. B. No. 197. AN ACT relating to credit unions, etc.

Ordered that said bill be delivered to the enrolling clerk.

Mr. Lowman moved that the House take up H. Res. No. 41 from the Orders of the Day for adoption.

Said motion was agreed to by voice vote.

Said resolution was adopted.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Kentucky Judicial Council is directed to make a thorough investigation of the existing divorce laws of this and other states and submit to the 1956 General Assembly a written

report of its findings accompanied by proposed legislation revising the divorce laws. In connection with its investigation of the divorce laws, the Judicial Council shall also investigate the so-called "Family Courts" which are being so successfully employed in many states to handle domestic relations and shall incorporate in its report its findings concerning such courts. The Judicial Council may, in its proposed legislation revising the divorce laws, incorporate, insofar as possible under the existing Constitutional restrictions, provisions relating to a "Family Court."

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 339. AN ACT relating to police departments in second class cities taking charge of lost or stolen property, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The police department in cities of the second class, shall take charge of property, within their jurisdiction, alleged to be or suspected of being the proceeds of crime, property taken from the person of a prisoner, lost or abandoned property taken into the custody of any member of the police force or criminal court, and property taken from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves. The officer or court having custody of such property shall as soon as practicable deliver it into the custody of the police department.

(2) All such property shall be particularly described and registered by the police department in a book kept for that purpose, containing the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the property, the names of all claimants thereto, and any final disposition of the property. The police department shall advertise the property for the information of the public as to the amount and disposition of the property.

(3) If any property in the custody of the police department is desired as evidence in any criminal court, such property shall be delivered to any officer who presents an order to that effect from the court. Such property shall not be retained in the court, but shall be returned to the police department.

(4) All property that remains in the custody of the police department for three months, without any lawful claimant thereto, may be sold at public auction in a suitable room designated for that purpose, after having been advertised for ten days. The proceeds of such sales shall be paid into the department of finance of the city to the credit of the police department.

Mr. Ockerman offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 4, lines 31 and 32 by Striking the word "department" on line 31 and all of the words on line 32 and substituting the following words "police and firemen's pension fund of said city"

Said motion agreed to.

Said amendment adopted.

Mr. Ockerman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
William C. Mann
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Morris Weintraub
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
—65

There voted in the negative—

James W. Lambert
—1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 83. AN ACT relating to property escheated to the state.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of Section 393.140 of the Kentucky Revised Statutes is amended to read as follows:

(3) The claimant shall, within fifteen days after filing any claim permitted under this section in excess of twenty-five dollars, publish notice of the claim in a newspaper of general bona fide circulation in the couty in which the property was held before being transferred to the state. If there is no such newspaper, or the claim is for twenty-five dollars or less, the claimant shall post at the courthouse door and three other conspicuous places in that county, and shall file proof of publication or posted notice with the department. No such claim shall be allowed until fifteen days after proof of the notice is received by the department at its offices in Frankfort.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	Cabell D. Francis	Fred Morgan
John Rhea Banton	W. L. Hadden	Foster Ockerman
Clarence J. Barnum	C. Ruby Harralson	Louis T. Peniston
Wallace Bartley	Harold G. Helm	Edward D. Pollitte
Charles E. Baumgardner, Sr.	David Heskamp	Paul T. Ratcliffe
	Henry R. Heyburn	Jack Raybourne, Jr.
Leo A. Bleemel	Lon C. Hill	Hobart Rayburn
Edward T. Breathitt, Jr.	Estill R. Hilton	Russell Reynolds
	Chester J. Holsclaw	Joe Rouse
Edward O. Bridgers	Varna Holt	William A. Routh
Charles W. Buchanan	William L. Jones	Cecil C. Sanders
	Talmage Lacy	Mrs. Thelma L. Stovall
Harry M. Caudill	James W. Lambert	
Cassius M. Clay	Harry King Lowman	C. Waitman Taylor
William J. Conley	Shelby McCallum	Eulick Walsh
R. Josh Cosby	Ralph E. McClanahan	Will Tom Wathen
John L. Day		William B. Wells
Albert Dempsey	Caleb McFadden	Mrs. Randolph Wilson
C. E. Dowell	Damon Majors	
Harold Edmonds	William C. Mann	T. D. Winstead
Addison L. Everett	George R. Martin	Walker H. Wiseman
Herbert Fern	Tom Mobley	Paul E. Young
Thomas P. Fitzpatrick	Robert K. Montgomery	

—62

There voted in the negative—

James Treadway —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 169. AN ACT relating to the appointment and compensation of police court clerks in cities of the second class, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.570 of the Kentucky Revised Statutes is amended to read as follows:

The police judge in cities of the second class may appoint a clerk of his court, who shall receive a salary fixed by ordinance at not less than eighteen hundred dollars nor more than three thousand dollars per annum. Upon appointment the clerk shall be eligible for classification under the City Civil Service law as provided in Chapter 90 of the Kentucky Revised Statutes the same as other city employes.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
Harry King Lowman
Ralph E. McClanahan
Damon Majors
William C. Mann
George R. Martin
Tom Mobley
Robert K. Montgomery
Fred Morgan
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Jack Raybourne, Jr.
Hobart Rayburn
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
C. Waitman Taylor
Will Tom Wathen
Morris Weintraub
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
—62

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 436. AN ACT relating to regulation of the sale and distribution of commercial feeds.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be administered by the director of the Kentucky Agricultural Experiment Station of the State of Kentucky, hereinafter referred to as the "director."

Section 2. As used in this Act:

(1) "Person" includes individual, partnership, corporation, firm, association and agent;

(2) "Distribute" means to offer for sale, sell, barter, or otherwise supply commercial feeds;

(3) "Sell" or "sale" includes exchange;

(4) "Commercial feed" means all materials which are distributed for use as feed for animals except unmixed or unprocessed whole seeds; unground hay; and whole or ground straw, stover, silage, cobs, and hulls when not mixed with other materials;

(5) "Brand" means the term, design, or trademark and other specific designation under which an individual commercial feed is distributed in this Commonwealth;

(6) "Label" means a display of written, printed, or graphic matter upon the container in which a commercial feed is distributed;

(7) "Ton" means a net weight of two thousand pounds, avoirdupois;

(8) "Percent" or "percentage" means percentage by weight;

(9) "Official sample" means any sample of commercial feed taken by the director or his agent.

Section 3. (1) Each brand of commercial feed shall be registered before being offered for sale, sold, or otherwise distributed in this Commonwealth. The application for registration shall be submitted to the director on forms furnished by the director, and if the director so requests shall also be accompanied by a proposed label or other printed matter describing the product. All registrations are considered permanent unless

new registrations are called for by the director or modified by the applicant in accordance with the terms of this Act. The applications shall include the following information:

(a) the name and principal address of the person guaranteeing the commercial feed;

(b) the name or brand under which the commercial feed is to be sold;

(c) the guaranteed analysis, listing the minimum percentage of crude protein, minimum percenetage of crude fat, and maximum percenage of crude fiber. For mineral feeds the list shall include the following, if added: Minimum and maximum percentage of calcium, minimum perecentage of phosphorus, minimum percentage of iodine, and minimum and maximum percentage of salt. Other nutritional substances or elements, determinable by laboratory methods, may be guaranteed by permission of the director. Other such items shall be guaranteed and subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the director. Products sold solely as mineral of vitamin supplements, or both, and guaranteed as specified in this Act need not show guarantees for protein, fat and fiber;

(d) the common or usual English name of each ingredient used in the manufacture of the commercial feed.

(2) A distributor shall not be required to register any brand of commercial feed which is already registered under this Act by another person.

(3) Changes in the guarantee of either chemical or ingredient composition of a commercial feed may be permitted provided satisfactory evidence is submitted showing that such changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

(4) The director is empowered to refuse registration of any application not in compliance with all provisions of this Act and to cancel any registration when it is subsequently found to be in violation of any provision of this Act or when he has satisfactory evidence that the registrant has used fraudulent or deceptive

practices in attempted evasion of the provisions of this Act or regulations thereunder. No registration shall be refused or cancelled until the registrant shall have been given opportunity to be heard.

Section 4. (a) Any commercial feed offered for sale or sold or otherwise distributed in this Commonwealth in bags, barrels, or other containers shall have placed on or affixed to the container in written or printed form the net weight and the information required by paragraphs (a), (b), (c) and (d) of subsection (1) of Section 3 of this Act and in accordance with such regulations as may be adopted under Section 9 of this Act.

(b) If distributed in bulk, a written or printed statement of the net weight and the information required by paragraphs (a), (b), (c) and (d) of subsection (1) of Section 3 of this Act shall accompany delivery and be furnished to the purchaser.

Section 5. (1) There shall be paid to the director for all commercial feeds offered for sale, sold, or otherwise distributed in this Commonwealth an inspection fee at the rate of twenty cents per ton; provided, that sales of commercial feeds to manufacturers or exchanges between them are exempt if the commercial feeds so sold or exchanged are used solely in manufacture of feeds which are registered. When more than one person is involved in the distribution of a commercial feed, the person who distributes to the ultimate dealer or consumer is responsible for paying the inspection fee. Fees so collected shall constitute a fund for the payment of the costs of inspection, sampling, and analysis, and other expenses necessary for the administration of this Act.

(2) The manufacturer or registrant shall affix an official tag or stamp to each package of commercial feed offered for sale, sold or otherwise distributed in this Commonwealth or, in the case of bulk commercial feed, by furnishing official tags, or stamps with the invoice for the tonnage involved. The official tags or stamps required under this Act shall be issued by the director and sold to distributors at the rate provided in subsection (1) of this section in forms and denominations to be established by regulation. Tags or stamps remaining in the possession of a

distributor may be used in another season or redeemed by the director on application of the purchaser or his successor, provided that the purchaser or his successor submits the unused tags or stamps for redemption within one year from the date of issue and pays the costs of printing and handling on all tags or stamps submitted. It shall be unlawful to use tags or stamps more than once or to mutilate or alter the tag or stamp. On individual packages of five pounds or less, a distributor may pay an annual fee of twenty-five dollars for each brand of commercial feed offered for sale or sold, and such distributor shall not be required to affix official tags or stamps to such packages of the brands so registered. If the actual cost of printing and handling of official tags or stamps exceeds the tonnage fee represented, the director may charge for the total cost of such tags or stamps in addition to the tonnage fee.

(3) The director is authorized, at his discretion and under such rules and regulations as may be promulgated, to issue permits, on application therefor, to any person, firm or corporation; to ship, sell, or expose for sale in Kentucky commercial feed properly registered and labeled under Section 3, 4 and 5 of this Act, without the use or attachment of official tags or labels purchased from the director provided such person, firm or corporation, reports quarterly under oath to the director the tonnage of feed shipped or sold for consumption in Kentucky, and pays the tonnage inspection fee thereon at the same rate per ton, as stated in subsection (1) of Section 5. Such tonnage inspection fees must be paid on all registered commercial feed as defined in Section 2 of this Act whether sold for mixing purposes or not, except in cases where a mixer has given a specific written order for delivery of unmixed meal or unmixed feed for use as an ingredient of registered feeds. The tonnage inspection fees shall be due and payable within twenty days of the end of the quarters ending December 31, March 31, June 30, and September 30 of each year, and remittance therefor shall accompany and be attached to the tonage report. The director or his authorized agents shall have the right at all reasonable times to examine the records of applicants to verify the statements of tonnage reports. Failure to make an accurate statement of tonange or to pay the inspection fee or comply as provided herein shall constitute suf-

ficient cause for the cancellation of all registrations on file for the distributor.

Section 6. No person shall distribute an adulterated commercial feed. A commercial feed shall be deemed to be adulterated:

(1) If any poisonous, deleterious or non-nutritive ingredient has been added in sufficient amount to render it injurious to animal health;

If any valuable constituent has been in whole or part omitted or abstracted therefrom or any less valuable substance substituted therefor;

(3) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling;

(4) If it contains added hulls, screenings, straw, cobs, or other high fiber material unless the name of each such material is clearly and prominently stated on the label.

Section 7. No person shall distribute misbranded feed. A commercial feed shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular;

(2) If it is distributed under the name of another feed;

(3) If its container is not labeled as required in Section 4 of this Act and in regulations prescribed under this Act;

(4) If it purports to be, or is represented as, a commercial feed for which a definition of identity and standard of quality has been prescribed by regulation unless it conforms to such definition and standard;

(5) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(6) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the director determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses.

Section 8. (1) It shall be the duty of the director, who may act through his authorized agent, to sample, inspect, make analysis of, and test commercial feeds distributed within this Commonwealth at such time and place and to such an extent as he deems necessary to determine whether such commercial feeds are in compliance with the provisions of this Act. The director, individually or through his agent, is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial feeds subject to the provisions of this Act and the rules and regulations pertaining thereto.

(2) The methods of sampling and analysis shall be those adopted by the director from sources such as the Journal of the Association of Official Agricultural Chemists.

(3) The director, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided solely by the official sample as defined in subsection (9) of Section 2 of this Act and obtained and analyzed as provided for in subsection (2) of Section 8 of this Act.

(4) When the inspection and analysis of an official sample indicate a commercial feed has been adulterated or misbranded, the results of analysis shall be forwarded by the director to the distributor and the purchaser. Upon request, within thirty days, the director shall furnish to the registrant a portion of the sample concerned.

Section 9. The director is hereby charged with the enforcement of this Act, and after due publicity and due public hearing is empowered to promullgate and adopt such reasonable rules and regulations as may be necessary to carry into effect the full intent and meaning of this Act. The director is hereby empowered to adopt regulations establishing definitions and standards for commercial feeds and such other regulations as may be necessary for the enforcement of any provision of this Act.

Section 10. (1) When the director or his authorized agent has reasonable cause to believe a commercial feed is being distributed in violation of any of the provisions of this Act, or of any of the regulations prescribed under this Act, he may issue and enforce a written or printed "withdrawal from sale" order warning the distributor not to dispose of the feed in any manner until written permission is given by the director or the court. The director shall release the commercial feed so withdrawn when the provisions and regulations have been complied with and all costs and expenses incurred in the withdrawal have been paid. If compliance is not obtained within thirty days, the director shall begin proceedings for condemnation.

(2) Any lot of commercial feed not in compliance with the provisions of this Act shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the county in which such commercial feed is located. In the event the court finds the said commercial feed to be in violation of this Act and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the Commonwealth; provided, that in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or re-label said commercial feed to bring it into compliance with this Act.

Section 11. (1) Any person convicted of violating any of the provisions of this Act or the rules and regulations issued thereunder, or who impedes, obstructs, hinders, or otherwise prevents or attempts to prevent said director or his duly authorized agent from carrying out his duties in connection with the provisions of this Act, shall be guilty of a misdemeanor and shall be fined not less than twenty-five or more than one hundred dollars for the first violation, and not less than fifty nor more than five hundred dollars for each subsequent violation. In all prosecutions under this Act involving the composition of a lot of commercial feed, a certified copy of the official analysis signed by the director shall be accepted as prima facie evidence of the composition.

(2) Nothing in this Act shall be construed as requiring the director or his representative to report for prosecution or for the institution of seizure proceedings a minor violation of the Act, when he believes that the public interests will be best served by a suitable warning in writing.

(3) It shall be the duty of each county attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the director reports a violation for such prosecution, an opportunity shall be given the distributor to present his view to the director.

(4) The director is hereby authorized to apply for, and the court to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rule or regulation promulgated under the Act, nothwithstanding the existence of other remedies at law. Said injunction shall be issued without bond.

Section 12. The director shall publish at least once each year, in such forms as he may deem proper, information concerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable, and a report of the results of the analysis of official samples of commercial feeds sold within the Commonwealth as compared with the analysis guaranteed in the registration and on the label; provided, however, that the information concerning production and use of commercial feeds shall not disclose the operations of any person.

Section 13. All laws and parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Section 14. This Act shall become effective on July 1, 1954.

Mr. Moorman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Will Tom Wathen
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 135. AN ACT relating to terms of fiscal courts enabling fiscal courts to hold monthly special terms, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 67.090 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. (1) The fiscal court of each county shall hold its sessions at the county seat.

(2) The fiscal court shall hold two regular terms each year, which shall continue until the business of the court is completed. The county judge may, by an order of record, fix the dates for the commencement of the regular terms, but one of the terms must be held in October; if he does not fix the terms, the first regular term shall commence on the first Tuesday of April and the second regular term on the first Tuesday of October.

(3) The county judge may call a special term of the fiscal court for the transaction of any business of which that court has jurisdiction. Whenever a special term is necessary and the county judge is unable, or refuses to act, a majority of the members of the fiscal court may call the special term.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
Harry King Lowman
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Morris Weintraub
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

—66

Those who voted in the negative were—

Harold G. Helm James Treadway —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 286. AN ACT relating to the promotion of the Rural Kentucky Medical Scholarship Fund by the State Department of Health and making an appropriation therefor.

Said bill is as follows, Viz:

WHEREAS, the Rural Kentucky Medical Scholarship Fund is a revolving fund which was established in 1946 by the Kentucky State Medical Association in cooperation with the University of Louisville School of Medicine as a means of providing better medical care for the people of rural areas in Kentucky by the careful selection of students who are willing to practice medicine in a rural area for at least as many years as they receive financial assistance from the fund; and

WHEREAS, the fund is administered by a board of trustees composed of the Dean of the Medical School chartered in the State of Kentucky, the State Health Commissioner, representatives from the Kentucky State Medical Association, the Kentucky Congress of Parents and Teachers, the Kentucky State Bar, the University of Louisville School of Medicine, the Kentucky Press, Kentucky Industry, Kentucky Farm Bureau and any other persons deemed necessary; and

WHEREAS, applications are welcomed from any young man or woman who is interested in becoming a doctor of medicine and practicing in a rural area in Kentucky;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky State Department of Health shall aid, assist and promote the Rural Kentucky Medical Scholarship Fund with such sums as may, from time to time, be appropriated by the General Assembly for this purpose.

Section 2. For the purposes of this Act, there is hereby appropriated to the State Department of Health out of the General Expenditure Fund in the State Treasury, the sum of five thousand dollars per year for each of the fiscal years 1954-55 and 1955-56 without lapse.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	Leo A. Bleemel	Cassius M. Clay
John Rhea Banton	Edward T. Breathitt, Jr.	William J. Conley
Clarence J. Barnum	Edward O. Bridgers	R. Josh Cosby
Wallace Bartley	John Young Brown	Charles W. Craig
Charles E. Baumgardner, Sr.	Harry M. Caudill	W. Marvin Davis
		Albert Dempsey

C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Varna Holt
William M. Horn
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Will Tom Wathen
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young
—66

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the House recess for fifteen minutes for the purpose of having committee reports.

Said motion was agreed to.

The fifteen minutes having expired, the Speaker resumed the chair.

REPORTS OF COMMITTEES

Mr. Burnley, Chairman of the Committee on Rules, to which same had been referred, reported bills and resolutions of the following titles, viz:

H. R. No. 73. A JOINT RESOLUTION memorializing

Congress to enact an amendment to the Agricultural Adjustment Act.

H. R. No. 38. A JOINT RESOLUTION requesting the Kentucky Department of Highways to study the advisability of building a turnpike between the city of Lexington in Fayette County and the city of Florence in Boone County to connect with the limited access highway which is proposed between Florence and the city of Covington in Kenton County.

H. R. No. 51. A JOINT RESOLUTION directing the Legislative Research Commission to study the desirability of exempting timberland from existing taxation and imposing in lieu thereof, a severance tax on each tree, and to report its findings to the 1956 General Assembly.

H. R. No. 55. A JOINT RESOLUTION memorializing the Congress of the United States to appropriate sufficient funds to complete the acquisition of sites and consummate the project for establishing a Pioneer National Monument under the National Park Service, to comprise Blue Licks Battlefield, Fort Boonesborough, Boones Station and Bryan Station.

H. R. No. 57. A JOINT RESOLUTION providing for erection of a marker at the grave of Matthew Lyon, for the construction of a Park around and about his burial place, and for the improvement of road by which said burial place is reached, and making the burial place of Matthew Lyon a state shrine.

H. B. No. 485. AN ACT relating to the advancement of funds from the State Treasury to pay jurors.

H. B. No. 486. AN ACT relating to the payment of travel expenses for State Officers and Employees.

H. B. No. 487. AN ACT to repeal, amend and reenact Section 176.020 of the Kentucky Revised Statutes, 1953 Edition, relating to the Department of Highways.

H. B. No. 488. AN ACT relating to personnel in state service.

H. B. No. 489. AN ACT relating to the education of persons committed to the jurisdiction of the Department of Welfare.

H. B. No. 490. AN ACT relating to condemnation by the Department of Highways, and declaring an emergency.

H. B. No. 491. AN ACT relating to financial administration in State Government.

H. B. No. 492. AN ACT relating to the State Investment Commission amending KRS 41.380 and repealing KRS 41.295.

H. B. No. 494. AN ACT REQUIRING NOTICE TO THE Department of Highways of claims against the Commonwealth or Department of Highways.

H. B. No. 496. AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing or insufficiency of former appropriations against which such claims were chargeable.

H. B. No. 497. AN ACT relating to the conservation, development and use of water resources.

H. B. No. 498. AN ACT relating to motor vehicle headlights and amending Section 189.040 of the Kentucky Revised Statutes.

H. Res. No. 85. A JOINT RESOLUTION authorizing payment of a claim by the hereinafter named county clerks against the Department of Highways and the Commonwealth of Kentucky.

S. B. No. 125. AN ACT permitting the fiscal courts of counties and the governing bodies of cities to contract with each other for the performance of governmental services.

H. Res. No. 75. A JOINT RESOLUTION memorializing the Congress of the United States to make an appropriation for immediate start of construction of the Rough River Dam in Grayson and Breckenridge Counties of Kentucky.

H. B. No. 473. AN ACT relating to the operation of motor vehicles.

H. B. No. 451. AN ACT to provide for the mediation of disputes and grievances between the state government as an em-

ployer and its employees and between subordinate units of government within the state and the employees thereof; to provide for the appointment of mediation boards with authority to issue subpoenas; to consider terms of settlement between the disputants; and to make recommendations for the bona fide consideration of the parties concerned.

H. B. No. 458. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals.

H. B. No. 119. AN ACT providing that certain types of employment shall not constitute "covered employment" under the Unemployment Compensation Act.

H. B. No. 419. AN ACT relating to rates and services of public utilities, and amending subsection (1) of Section 278.170 of the Kentucky Revised Statutes.

H. Res. No. 81. A JOINT RESOLUTION requesting the General Assembly and officials of the Commonwealth of Kentucky to pass and enforce forest fire legislation that will give greater protection.

H. B. No. 461. AN ACT relating to traffic regulation and amending Section 189.450 of the Kentucky Revised Statutes.

H. B. No. 420. AN ACT relating to wages and hours and amending KRS 337.210, 337.220 and 337.240.

H. B. No. 372. AN ACT relating to zoning and planning in second-class cities and in counties containing such cities.

H. B. No. 395. AN ACT relating to barbers and beauty specialists, and repealing Chapter 317 of the Kentucky Revised Statutes.

H. B. No. 463. AN ACT relating to the compensation of certain public officers and employes.

H. B. No. 360. AN ACT IMPOSING A TAX UPON THE SALE, use, consumption, handling or distribution of non-alcoholic beverages; imposing a tax upon the sale, use, consumption, handling or distribution of syrups used for the purpose of making or mixing non-alcoholic beverages; imposing a tax upon and requiring a permit for each place of business where non-

alcoholic beverages or syrups are manufactured, distributed, sold, used, consumed or handled; and appropriating the revenue therefrom.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 340. AN ACT relating to powers and duties of boards of park commissioners in second class cities, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 97.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The boards shall have the care, management and custody of the parks and grounds used for park purposes, the boulevards and parkways now belong to the city or in the control of the city, and all such property as may be acquired for park purposes or public squares by the city or board.

(2) Each board may:

(a) Contract and be contracted with, sue and be sued, have and use a corporate seal and alter and renew it at pleasure;

(b) Acquire and hold property for public parks and public squares and for parkways connecting the parks, by condemnation, contract, purchase or gift;

(c) Sell and convey property in its own name with the approval of the legislative body of the city by ordinance passed in accordance with the existing laws of the Commonwealth;

(d) Lay out and improve the parks, parkways, squares and other property held or managed by it with walks, drives, roads, trees and other proper improvements, and contract for such improvements;

(e) Protect all property and improvements belonging to the board or under its management or control from injury or decay;

(f) Adopt rules and regulations for the reasonable and proper use and for preventing injuries to or misuse of all parks, parkways, public squares, boulevards, driveways, walks and park property generally;

(g) Prevent disorder and improper conduct within the precincts of any park or enclosure, or upon any drive, walk or avenue under the control of the board;

(h) Control and manage the planting and care of all shade trees along the sidewalks and thoroughfares of the city, and adopt and enforce rules and regulations necessary for the protection and care of such trees.

(3) In locating parks the boards shall have regard to the needs of the different sections of the city and the suitability of the ground for park purposes, as well as the cost thereof. The boards shall have discretion as to the location and improvement of parks.

(4) The police power of the city shall extend over the park property of every kind, as it is acquired. All violations of the park rules and regulations and all other offenses committed within any park property or precinct shall be punished as provided by law in cases of misdemeanors and violations of city ordinances. The boards and their agents and employes may make arrests for felonies or misdemeanors committed within any park precinct, or for violation of any park rules or regulations.

Mr. Ockerman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and

same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

John Rhea Banton	Cabell D. Francis	Eddie J. Morris
Clarence J. Barnum	George F. Harris	Goebel W. Newsom, Jr.
Wallace Bartley	Harold G. Helm	Foster Ockerman
Charles E. Baumgardner, Sr.	Estill R. Hilton	Louis T. Peniston
Leo A. Bleemel	Chester J. Holsclaw	Jack Raybourne, Jr.
Edward O. Bridgers	William M. Horn	Lloyd E. Rogers
John Young Brown	Talmage Lacy	Cecil C. Sanders
Charles W. Buchanan	Harry King Lowman	Eulick Walsh
Harry M. Caudill	Shelby McCallum	Will Tom Wathen
William J. Conley	Ralph E. McClanahan	Morris Weintraub
R. Josh Cosby	Damon Majors	Mrs. Randolph Wilson
W. Marvin Davis	William C. Mann	T. D. Winstead
C. E. Dowell	Robert K. Montgomery	Walker H. Wiseman
Harold Edmonds	Walter R. Moorman	Paul E. Young
Herbert Fern		—43

Those who voted in the negative were—

Cassius M. Clay	Tom Mobley	William A. Routh
John L. Day		—4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the House take up for adoption House Resolution No. 87.

Said motion was agreed to.

Said resolution was adopted.

Said resolution is as follows, viz:

WHEREAS, Union College, Barbourville, Kentucky, will observe its seventy-fifth anniversary and Diamond Jubilee on May 27, 1954; and

WHEREAS, Union College has invited the Honorable Richard Nixon, Vice-President of the United States, to be its guest speaker on said occasion; and

WHEREAS, it would be a distinct honor to the Commonwealth of Kentucky and to all of its citizens to have said distinguished American as its guest on said occasion,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the members of the 1954 session of the General Assembly of the Commonwealth of Kentucky do hereby extend an invitation to the Honorable Richard Nixon, Vice-President of the United States, to visit the Commonwealth of Kentucky and to deliver an address on the campus of Union College, Barbourville, Kentucky, and that the full measure of Kentucky hospitality be extended to him and to all visitors to our Commonwealth on said occasion.

Mr. Lowman moved that the House adjourn until 8:00 P. M. Monday, March 8, 1954.

Said motion was agreed to.

And the House did then adjourn.

MONDAY, MARCH 8, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Walter J. Bailey
Charles E. Baumgardner, Sr.
Owen Billington
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

—84

Mr. Lowman moved that the reading of the Journal of the proceedings of Friday, March 5, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Edmonds moved that the vote by which H. B. No. 435 was rejected on Friday, March 5, 1954, be reconsidered and said bill be laid on the Clerk's desk.

Mr. Edmonds and Mr. Stumbo having requested a roll call on said motion, the yeas and nays were taken as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Thomas P. Fitzpatrick	Goebel W. Newsom, Jr.
Wallace Bartley	Cabell D. Francis	Jack Raybourne, Jr.
John Rhea Banton	W. L. Hadden	Robert Reid
Clarence J. Barnum	C. Ruby Harralson	Russell Reynolds
Charles E. Baumgardner, Sr.	George F. Harris	William A. Routh
Owen Billington	Henry R. Heyburn	W. R. Smith
Edward T. Breathitt, Jr.	Lon C. Hill	Mrs. Thelma L. Stovall
Edward O. Bridgers	Estill R. Hilton	E. H. Stumbo
John Young Brown	Chester J. Holsclaw	C. Waitman Taylor
Harry M. Caudill	William M. Horn	Eulick Walsh
Cassius M. Clay	William L. Jones	Will Tom Wathen
Paul Cobb	Jennings H. Kearby	W. W. Webster
William J. Conley	Harry King Lowman	Morris Weintraub
R. Josh Cosby	Shelby McCallum	Warren D. Williams
Vernor O. Cottengim	William E. Maglinger	Mrs. Randolph Wilson
John L. Day	Carl D. Melton	T. D. Winstead
Harold Edmonds	Walter R. Moorman	Charles W. Wirsch
Addison L. Everett	Fred Morgan	Walker H. Wiseman
Herbert Fern	Thomas J. Murphy	Paul E. Young

—57

Those who voted in the negative were—

Wallace Bartley	Charles W. Buchanan	Charles W. Craig
J. C. Bradley		W. Marvin Davis

Albert Dempsey	Caleb McFadden	Louis T. Peniston
Harold G. Helm	William C. Mann	Paul T. Ratcliffe
David Heskamp	William J. Marcum	Cecil C. Sanders
Varna Holt	Robert K. Montgomery	LeRoy Saylor
James W. Lambert	Foster Ockerman	James Treadway
Ralph E. McClanahan		

—21

Said motion was agreed to.

Said bill was laid on the Clerk's desk.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. No. 135. AN ACT relating to the terms of fiscal courts, enabling fiscal courts to hold monthly special terms, declaring an emergency, and amending Section 67.090 of the Kentucky Revised Statutes.

S. B. No. 83. AN ACT relating to property escheated to the state.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the Senate return said bills to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Cottengim moved that Stephen Lee Cosby and Mary Kay Cosby be made honorary pages.

Said motion was agreed to.

Mr. Lowman moved that Elby Whitworth Jr. be made an honorary page.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Horn.

H. B. No. 501. AN ACT relating to utilities in cities of the third class, and amending Section 96.182 and 96.184 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 96.182 of the Kentucky Revised Statutes is amended to read as follows:

Subject to the provisions of outstanding bonds and contracts, the board shall apply all funds derived from operations: (1) To the payment of operating expenses, (2) to the payment of bond interest and retirement, (3) to sinking fund requirements, (4) to the maintenance of a fund to meet depreciation and the improvements and extension of the plant in an amount equal to six percent of the undepreciated book value of its property, (5) to the maintenance of a cash working fund equal to one month's revenue, (6) to the payment of other obligations incurred in the operation and maintenance of the plant and the furnishing of service, and (7) such taxes, if any, as the board may elect to pay under the provisions of KRS 96.179, and any surplus revenues at the end of any twelve months ending June 30 shall be transferred to the sinking fund, and used by the board only for the redemption or purchase of outstanding bonds, in which case such bonds shall be cancelled, or for the creation and maintenance of a cash working fund, or the creation and maintenance of a fund for improvement and extension of the system, or for the reduction of rates, or the board, after the original cost of the property shall have been fully paid and satisfied may, in its sole discretion, use, apply and pledge all or a part of such surplus revenues for the acquisition, construction, maintenance, improvement, addition to and operation of any "public project"

as the same is defined in subsection (1) of KRS 58.010, or for the purpose of purchasing, paying, retiring, guaranteeing the payment of or underwriting revenue bonds issued by the city or any agency thereof to finance the acquisition, construction, maintenance, improvement, addition to and operation of such "public project", which "public project" shall be located within the territory served by the board; the board is hereby vested with all of the powers, duties and responsibilities delegated and granted to a "governmental agency" under KRS 58.020 to 58.140, both inclusive; provided, however, that the acquisition or construction of any "public project" as above defined, shall be first approved by the common council before such "public project" is undertaken.

Section 2. Subsection (1) of Section 96.184 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board at any time may issue and sell revenue bonds to finance improvements or extensions of the plant,/or the board, after the original cost of the property shall have been fully paid and satisfied, may, in its sole discretion, issue, sell, and pledge its revenues to secure the payment of revenue bonds the proceeds of which are to be used to finance the acquisition, construction, maintenance, improvement, addition to and operation of "public projects" as defined in KRS 96.182, or for the purpose of purchasing, paying, retiring, guaranteeing the payment of or underwriting revenue bonds issued by the city or any agency thereof to finance the acquisition, construction, maintenance, improvement, addition to and operation of such "public project",/and sell refunding bonds for the purpose of providing for the payment of any outstanding bonds.

By Mr. Lowman.

H. Res. No. 91. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated; and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is appropriated out of the Legislative Session Fund a sufficient sum of money to enable the payment of compensation, at the rate of three dollars per day each, during the period of the present session of the General Assembly, to William L. Davis, Fred Burke, Eugene Calvert, Palmer Henderson, Edward Quire, Kelly Gilbert, William Gossett, Haskell Harrod, William Mann, Jessie Stockton, George Suter, James Weber, Russell Wilson, Ike Yett, Sam Penn, John E. Polsgrove, A. J. Shramm, for extra services performed overtime actually worked, in the operation and maintenance of the State Capitol and its various facilities, which extra services and extra hours were made necessary by reason of attendance upon the members of the General Assembly at both the day and night sessions and committee meetings thereof, and at other times.

Section 2. The Chief Clerk of the House of Representatives shall requisition, and the Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of said Chief Clerk for the sum hereby appropriated. The Chief Clerk shall forthwith distribute said sum in the manner contemplated by this resolution.

Section 3. Whereas, the General Assembly will within a short time adjourn and the officers and employes will depart for various sections of the state, an emergency is declared to exist and this resolution shall be effective from and after its passage and approval by the Governor.

By Mr. Lowman.

H. Res. No. 92. A JOINT RESOLUTION providing for the payment of compensation for the benefit of officers and employes of the Senate, the House of Representatives, and the Statute Revision Commission for services rendered in connection with and related to the present session of the General Assembly, and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated from the Legislative Session Fund additional allowances to cover necessary expenses for the following employees and officers of the Senate and House of Representatives, viz: Enrolling Clerks, Sergeant-at-Arms, Doorkeepers, Cloakroom Keepers, Janitors and Pages, to that compensation provided in KRS 6.230, the sum of twenty-one thousand, seven hundred and fifty-six dollars.

Section 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall draw a warrant for the sum of nine thousand five hundred and forty-six dollars on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute such expense allowances on the basis of the number of days that such employes and officers served during the regular session of the General Assembly in the year 1954, the rate per day being computed by said Chief Clerk and the Committee on Committees of the Senate on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall draw a warrant for the sum of twelve thousand two hundred and ten dollars on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employes and officers of the House of Representatives such expense allowances on the basis of the number of days that such employes and officers served during the regular session of the General Assembly in 1954, the rate per day to be computed by the said Chief Clerk and the Committee on Committees of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 4. There is appropriated out of the General Expenditure Fund a sufficient sum of money to enable the payment of compensation, at the rate of three dollars per day each, during the period of the present session of the General Assembly, to Dee Akers, Herbert Liebman, George Triplett, Ollie Jack-

son, Eleanor Weathers, Gayle Givens and Eva Jarvis for extra services performed, overtime actually worked, which extra services and extra hours were made necessary by reason of attendance upon the members of the General Assembly at both the day and night sessions, and at other times.

Section 5. The Chief Clerk of the House of Representatives shall requisition, and the Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of said Chief Clerk for the sum hereby appropriated. The Chief Clerk shall forthwith distribute said sum in the manner contemplated by this Resolution.

Section 6. All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

Section 7. Whereas, the General Assembly will within a short time adjourn and the employes and officers will depart for various sections of the state, an emergency is hereby declared to exist, and this resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth.

COMMITTEE REPORTS

Mr. Burnley, Chairman of the Committee on Rules, to which same had been previously referred, reported favorably bills and resolutions of the following titles, viz:

H. B. No. 37. AN ACT relating to loan and investment companies in cities of the first five classes and amending Sections 291.120 and 291.150 of the Kentucky Revised Statutes.

H. B. No. 212. AN ACT relating to the licensing of motor vehicles.

H. B. No. 282. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to compensation of prosecuting attorneys, amending section 98 thereof.

H. B. No. 382. AN ACT relating to the registration of marriages, divorces, annulments and adoptions with the State Department of Health.

S. B. No. 211. AN ACT relating to motor vehicles and the

operators thereof; transferring certain administrative functions relative thereto from the Department of Revenue to the Department of State Police; and making an appropriation of funds therefor.

S. B. No. 219. AN ACT relating to teachers' tenure.

S. Res. No. 20. A JOINT RESOLUTION providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

S. B. No. 154. AN ACT relating to establishment and maintenance of county drainage districts for the drainage of surface water in all parts of the county.

H. B. No. 349. AN ACT relating to collection of taxes upon the property in any fire protection district, amending Section 75.040 of the Kentucky Revised Statutes.

H. B. No. 480. AN ACT relating to encroachments on state-maintained highway rights-of-way, and providing penalties.

H. B. No. 351. AN ACT relating to definition of places of entertainment and amending Section 231.010 of the Kentucky Revised Statutes.

S. B. No. 190. AN ACT relating to revenue and taxation.

S. B. No. 158. AN ACT relating to the manufacture and sale of prison-made goods.

H. B. No. 198. AN ACT relating to the education of physically and mentally handicapped children, and the salary schedules applicable to the teachers of such children.

H. B. No. 332. AN ACT empowering and authorizing cities of the second class to pass legislation providing for pensions of police court judges.

H. B. No. 354. AN ACT to prevent unfair cigarette sales in Kentucky.

H. B. No. 335. AN ACT amending KRS 412.070 relating to compensation and expenses of plaintiffs and their attorneys in class actions or in cases in which plaintiffs have a common interest.

Whereupon said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. R. No. 73. A JOINT RESOLUTION memorializing Congress to enact an amendment to the Agricultural Adjustment Act.

H. R. No. 38. A JOINT RESOLUTION requesting the Kentucky Department of Highways to study the advisability of building a turnpike between the city of Lexington in Fayette County and the city of Florence in Boone County to connect with the limited access highway which is proposed between Florence and the city of Covington in Kenton County.

H. R. No. 51. A JOINT RESOLUTION directing the Legislative Research Commission to study the desirability of exempting timberland from existing taxation and imposing in lieu thereof, a severance tax on each tree, and to report its findings to the 1956 General Assembly.

H. R. No. 55. A JOINT RESOLUTION memorializing the Congress of the United States to appropriate sufficient funds to complete the acquisition of sites and consummate the project for establishing a Pioneer National Monument under the National Park Service, to comprise Blue Licks Battlefield, Fort Boonesborough, Boones Station and Bryan Station.

H. R. No. 57. A JOINT RESOLUTION providing for erection of a marker at the grave of Matthew Lyon, for the construction of a Park around and about his burial place, and for the improvement of road by which said burial place is reached, and making the burial place of Matthew Lyon a state shrine.

H. B. No. 485. AN ACT relating to the advancement of funds from the State Treasury to pay jurors.

H. B. No. 486. AN ACT relating to the payment of travel expenses for State Officers and Employees.

H. B. No. 487. AN ACT to repeal, amend and reenact Section 176.020 of the Kentucky Revised Statutes, 1953 Edition, relating to the Department of Highways.

H. B. No. 488. AN ACT relating to personnel in state service.

H. B. No. 489. AN ACT relating to the education of persons committed to the jurisdiction of the Department of Welfare.

H. B. No. 490. AN ACT relating to condemnation by the Department of Highways, and declaring an emergency.

H. B. No. 491. AN ACT relating to financial administration in State Government.

H. B. No. 492. AN ACT relating to the State Investment Commission amending KRS 41.380 and repealing KRS 41.295.

H. B. No. 494. AN ACT REQUIRING NOTICE TO THE Department of Highways of claims against the Commonwealth or Department of Highways.

H. B. No. 496. AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing or insufficiency of former appropriations against which such claims were chargeable.

H. B. No. 497. AN ACT relating to the conservation, development and use of water resources.

H. B. No. 498. AN ACT relating to motor vehicle headlights and amending Section 189.040 of the Kentucky Revised Statutes.

H. Res. No. 85. A JOINT RESOLUTION authorizing payment of a claim by the hereinafter named county clerks against the Department of Highways and the Commonwealth of Kentucky.

S. B. No. 125. AN ACT permitting the fiscal courts of counties and the governing bodies of cities to contract with each other for the performance of governmental services.

H. Res. No. 75. A JOINT RESOLUTION memorializing the Congress of the United States to make an appropriation for immediate start of construction of the Rough River Dam in Grayson and Breckenridge Counties in Kentucky.

H. B. No. 473. AN ACT relating to the operation of motor vehicles.

H. B. No. 451. AN ACT TO provide for the mediation of disputes and grievances between the state government as an employer and its employees and between subordinate units of government within the state and the employees thereof; to provide for the appointment of mediation boards with authority to issue subpoenas; to consider terms of settlement between the disputants; and to make recommendations for the bona fide consideration of the parties concerned.

H. B. No. 458. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals.

H. B. No. 119. AN ACT providing that certain types of employment shall not constitute "covered employment" under the Unemployment Compensation Act.

H. B. No. 419. AN ACT relating to rates and services of public utilities, and amending subsection (1) of Section 278.170 of the Kentucky Revised Statutes.

H. Res. No. 81. A JOINT RESOLUTION requesting the General Assembly and officials of the Commonwealth of Kentucky to pass and enforce forest fire legislation that will give greater protection.

H. B. No. 461. AN ACT relating to traffic regulation and amending Section 189.450 of the Kentucky Revised Statutes.

H. B. No. 420. AN ACT relating to wages and hours and amending KRS 337.210, 337.220 and 337.240.

H. B. No. 372. AN ACT relating to zoning and planning in second-class cities and in counties containing such cities.

H. B. No. 395. AN ACT relating to barbers and beauty specialists, and repealing Chapter 317 of the Kentucky Revised Statutes.

H. B. No. 463. AN ACT relating to the compensation of certain public officers and employes.

H. B. No. 360. AN ACT IMPOSING A TAX UPON THE SALE, use, consumption, handling or distribution of non-alcoholic beverages; imposing a tax upon the sale, use, consumption, handling or distribution of syrups used for the purpose of making or mixing non-alcoholic beverages; imposing a tax upon and requiring a permit for each place of business where non-alcoholic beverages or syrups are manufactured, distributed, sold, used, consumed or handled; and appropriating the revenue therefrom.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 345. AN ACT relating to terms of Court in the 38th Judicial District.

Said bill is as follows, Viz:

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (38) of 23.050 of the Kentucky Revised Statutes is amended to read as follows:

"The regular term of each Court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Butler County, at Morgantown, on the first Monday in

March, the first Monday in June and the first Monday in November, twelve juridical days each.

Edmonson County, at Brownsville, on the third Monday in March, the third Monday in June and the third Monday in November, twelve juridical days each.

Muhlenberg County, at Greenville, on the second Monday in January, the first Monday in April, the second Monday in July and the first Monday in October, eighteen juridical days each.

Ohio County, at Hartford, on the first Monday in February, the first Monday in May and the first Monday in September, eighteen juridical days each."

Section 2. This Act shall become effective on the fourth day of July, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
Jennings H. Kearby
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

—78

Those who voted in the negative were—

William M. Horn
William E. Maglinger
Damon Majors
Robert K. Montgomery

—4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 428. AN ACT relating to refunding of excise taxes paid on gasoline, used in tractors or stationary engines operated for agricultural purposes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.344 of the Kentucky Revised Statutes is amended to read as follows:

Any person who shall use any gasoline, other than on public highways, on which the tax as imposed by KRS 138.220 has been paid, for the purpose of operating or propelling stationary gasoline engines or tractors for agricultural purposes, shall be reimbursed to the extent of ninety percent of the tax so paid on such gasoline; provided, however, that no refund shall be authorized unless applications therefor and all necessary information shall be filed with the Department of Revenue within one hundred and eighty days from the date of purchase; and further provided that no refund shall be authorized for purchases of less than fifty gallons at any one time; and further provided that no refund shall be authorized unless the amount due is as much as five dollars.

The effective date of this Act shall be July 1, 1954, and shall apply to gasoline purchased on or after this date.

Mr. Mann moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as

to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo

C. Waitman Taylor	Morris Weintraub	T. D. Winstead
James Treadway	William B. Wells	Charles W. Wirsch
Eulick Walsh	Mrs. Randolph Wilson	Walker H. Wiseman
Will Tom Wathen		Paul E. Young
W. W. Webster		

—83

Resolved that the title thereof be as aforesaid.

Mr. Mann moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 104. AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky, relating to the exemption of property from taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended so as to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, heir endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; house-

hold goods and other personal property of a person with a family, not exceeding two thousand five hundred dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or committing property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

With Second Committee Substitute attached thereto as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended so as to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods of a person with a family; crops grown in the year in which the assessment is made, and in the hands of the pro-

ducer; and all laws exempting or committing property from taxation other than the property mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

Mr. Lowman moved that H. B. No. 104 be laid on the Clerk's desk.

Said motion was agreed to by voice vote.

Ordered that said bill be laid on the Clerk's desk.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in that body as follows, viz:

S. Res. No. 55. A JOINT RESOLUTION relating to the celebration of the Diamond Jubilee of Union College of Barbourville, Knox County, Kentucky, on May 27, 1954.

Said resolution is as follows, viz:

A JOINT RESOLUTION relating to the celebration of the Diamond Jubilee of Union College of Barbourville, Knox County, Kentucky, on May 27, 1954.

WHEREAS, Union College of Barbourville, Kentucky, reaches its Seventy-fifth birthday on May 27, 1954; and

WHEREAS, its alumni, student body, faculty and friends are preparing to celebrate the event with a rousing DIAMOND JUBILEE on the campus of said institution at said time; and

WHEREAS, Union College has invited the Honorable Richard Nixon, Vice President of the United States, to be its guest speaker on said occasion; and

WHEREAS, it is considered that it would be a distinct honor to the Commonwealth of Kentucky and to all its citizens to have said distinguished American as its guest at said DIAMOND JUBILEE,

NOW, THEREFORE,

BE IT RESOLVED by the Senate and House of Representatives concurring, that this Body extend to the Honorable Richard Nixon, Vice President of the United States, Washington, D. C., a most cordial invitation to attend said DIAMOND JUBILEE and deliver an address on the campus of Union College as our guest; and we promise genuine Kentucky hospitality to him and to all visitors to our Commonwealth on said occasion, as always.

S. B. No. 162. AN ACT relating to statute revision and related legislative services.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) It shall be the duty of the Legislative Research Commission to formulate, supervise and execute plans and methods for the future revision, clarification, classification, codification, arrangement, annotating, indexing, printing, binding, publication, copyrighting, sale and distribution of the Kentucky Revised Statutes, including annotations and supplements, and all editions thereof. The commission shall determine when editions shall be published and fix the prices thereof. Such printing shall not be considered printing of the first class within the meaning of the statutes relating to printing of the first class. The commission shall prepare and submit to the General Assembly such consolidation, revision and other matters relating to the statutes as can be completed from time to time.

(2) The commission shall control and supervise the use of any type acquired by the state in connection with the printing of editions of the statutes, and may permit the use of the type for the printing of pamphlets of particular portions of the statute laws requested by any state department or agency, under such terms and conditions as the commission considers reasonable.

(3) The commission, in preparing editions of the statutes for publication or distribution, shall not alter the sense, meaning or effect of any Act of the General Assembly, but may renumber sections and parts of sections of the Acts of the General Assembly, change the wording of head-notes, rearrange sections, change reference numbers to agree with renumbered chapters or sections, substitute the proper section or chapter numbers for the terms "this Act," "the preceding section," and the like, strike out figures where they are merely a repetition of written words, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors. When any edition of the statutes is published by the commission, the director shall prepare a certificate certifying that each section printed in such edition has been compared with the original section in the enrolled Kentucky Revised Statutes, or, in the case of sections of Acts enacted after the adoption of the Kentucky Revised Statutes, with the original section in the enrolled bill, and that, with the exception of the changes in form permitted by this section, the sections in the printed edition are correctly printed. One copy of the edition, with the original certificate affixed thereto, shall be filed in the office of the Secretary of State. All other copies of the edition shall contain a printed copy of the certificate. Any edition so certified shall constitute prima facie evidence of the law in all courts and proceedings, and any section in such edition may be amended or repealed by reference to the section number, without reference to the legislative Act from which it was compiled. No compilation of the statute laws of Kentucky not bearing such a certificate shall be admissable as evidence of the law in any court or proceeding.

(4) The commission shall keep in its office an accurate and complete record of all legislation enacted by the General Assembly and shall study same for the purpose of determining the intention and the effect thereof. The commission shall prepare and keep accurate and complete annotations of court decisions construing the statutes. The commission shall advise and assist the members of the General Assembly in the preparation and revision of legislation and matters connected therewith. The commission shall, when requested by the General

Assembly or either house thereof, report to the General Assembly on bills introduced, calling attention to their effect on existing legislation and to any deficiencies in their form.

Section 2. In the formulation of the plans and methods provided for in Section 1 of this Act, the Legislative Research Commission shall act with the consent and approval of an Advisory Committee on Statute Revision, consisting of four members, to be appointed by the Governor from a list of eight persons, learned in the law, submitted by the Board of Commissioners of the Kentucky State Bar Association. The members of this committee shall serve for four years and until their successors are appointed and have qualified. Vacancies in the committee shall be filled by appointment by the Governor from a list of two names for each vacancy submitted by the Board of Commissioners of the Kentucky State Bar Association. Not more than three members of the committee shall be members of the same political party. The members of the committee shall receive no compensation for their services, but shall receive their reasonable and necessary expenses in connection with the performance of their duties, to be paid out of sums appropriated to the Legislative Research Commission.

Section 3. The execution of the functions provided for in Section 1 of this Act shall be carried out by the staff of the Legislative Research Commission under the immediate and direct supervision of an employe to be designated Reviser of Statutes, who shall be appointed by the director of the commission. The reviser shall be a member of the Bar of Kentucky or a person who has had at least two years of responsible experience in statute revision work in some other state.

Section 4. Upon the effective date of this Act all records, furniture, supplies, printed books and other property now held by the Statute Revision Commission shall be transferred to the Legislative Research Commission. Any appropriated funds which have not been expended by the Statute Revision Commission shall be used by the Legislative Research Commission for the purposes of this Act, and all trust and agency funds maintained by the Statute Revision Commission shall be transferred to the Legislative Research Commission for use for the purposes of this Act.

Section 5. KRS 447.070 through 447.140 are hereby repealed.

S. B. No. 166. AN ACT empowering and authorizing cities of the second class to pass legislation providing for pensions for police court judges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. City legislative bodies of cities of the second class may, by proper legislation, provide for pensions for police court judges, who after the effective date of this Act, have become sixty years of age and have served as a regular police judge, including service prior to the effective date of this Act, for a period of twenty years.

Section 2. Cities that pass legislation providing pensions for police court judges shall establish a separate fund to be known as the Police Judge Pension Fund. The regular police court judge shall contribute into this fund an amount equal to not more than five percent of his annual salary as police judge, such contributions to be deducted by the city treasurer from the monthly pay of such police judge and credited to the Police Judge Pension Fund. The Police Judge Pension Fund shall be under the exclusive control and management of the city legislative body, and in the event the fund is not sufficient to pay the pension as it becomes due, they shall, from police court fines, place into the said fund, a sum sufficient to meet its requirements.

Section 3. Police judges who are eligible for pension and retire from office, shall be paid out of the Police Judge Pension Fund, a pension not to exceed the sum of twenty-four hundred dollars each year, for life. If the pension legislation has been adopted by the city legislative bodies at the time of said retirement, it shall not be altered or changed during the time of the pension period of the retiring judge.

Section 4. Any judge who has served less than twenty years as a regular police judge and who attempts to continue in office by being a candidate for re-election and is defeated shall be

refunded all contributions made to the fund by him upon the making of application therefor within one year from the date of said election.

Section 5. This Act shall become effective on July 1st, 1954.

S. B. No. 169. AN ACT relating to the excise tax on alcoholic beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) Every non-resident desiring to engage in the business of making sales of malt beverages to wholesalers in this state shall first apply to the Commissioner of Revenue for a permit. The Commissioner of Revenue shall require of every such applicant that a corporate surety bond in a sum not to exceed Two Thousand Dollars ($2,000.00) be executed by such applicant and deposited with the Commissioner, conditioned upon the faithful compliance by such applicant with the provisions of this Act and particularly that such applicant or permitholder shall not transport malt beverages into Kentucky for eventual retail sale or distribution by gift or retail sale in this state except to a duly licensed wholesaler. Upon the payment of a license tax of Ten Dollars ($10.00) per calendar year or portion thereof, if the Commissioner is satisfied that such applicant is a bona fide manufacturer or distributor of malt beverages, he shall then issue a permit to such applicant which shall bear a serial number. Every holder of such non-resident permit and license shall thereafter put the number of such permit on every invoice for any quantity of malt beverages sold by such licensee to any wholesaler in this state. Upon the failure of any such licensee to comply with all the provisions of this Act, the Commissioner of Revenue may revoke any such permit or license.

(2) No Kentucky wholesaler shall purchase malt beverages from without this state unless the seller has complied with the provisions of this Act. Any malt beverages transported

into this state for eventual retail sale or distribution by gift or retail sale in this state shall remain in the warehouse or on the premises of a duly licensed wholesaler for at least twenty-four (24) hours before such malt beverages may be used or delivered to retail outlets or to a United States Military Reservation within this state.

(3) Any person who violates any of the provisions of this Act or any regulation issued thereunder shall be fined not less than Fifty ($50.00) Dollars nor more than One Thousand ($1,000.00) Dollars, or be imprisoned for not less than thirty (30) days nor more than one (1) year, or both.

S. B. No. 210. AN ACT relating to metropolitan sewer districts and the construction of sanitary sewers at cost of benefitted property in such districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) In any part of a metropolitan sewer district outside the limits of the city of the first class which does not have adequate sanitary sewers, the board of such district may determine that sanitary sewers are necessary for the health, convenience or comfort of the residents thereof.

(2) Any resolution or other action by such board shall describe the territory in which such sanitary sewers are planned and the improvements proposed to be made.

(3) The action taken by the board of such district shall be submitted to the fiscal court of the county where said district is located, for approval, disapproval or reference back to the metropolitan sewer district for modification.

(4) If the proposed improvement is disapproved in part by the fiscal court of such county, the board of the metropolitan sewer district shall reconsider the action taken, and determine whether or not it will construct the proposed improvement as changed, and report its action to the fiscal court.

(5) The cost of the proposed improvement shall include all construction costs within the designated territory, any rights of

way or other property needed in connection therewith, supervision costs and the cost of constructing facilities to connect the proposed improvement with the sewer system of such metropolitan sewer district.

(6) The cost of any sanitary sewer to be so constructed by any metropolitan sewer district shall be apportioned to the property in the designated territory on an area basis, with a minimum charge for any lot with improvements thereon.

(7) When construction of any sewer improvement has been authorized by a metropolitan sewer district and has been approved by the fiscal court, the board of the metropolitan sewer district shall cause notice of the proposed improvement to be published three times in a paper of general circulation in the territory designated and cause notices to be posted in three public places in said territory, describing the territory included and the improvement to be made.

Any owner of property in the designated territory shall have ten days from the date of publication of the third newspaper notice within which to file written objections to the proposed improvement. If any objections are filed, the metropolitan sewer district shall hold hearings thereon promptly with notice to the persons filing objections, and decide as to whether any of said objections require a change or discontinuance of any part of the proposed improvement. If any change is made, the action of the metropolitan sewer district shall again be submitted to the approving agencies.

(8) When a final decision by the board of any metropolitan district and approving action by the fiscal court have been made, notice by registered mail shall be given by said board to any and all persons who filed written objections to said improvement, or any part thereof. The person or persons who had filed objections shall then have fifteen days from the mailing of such notice within which to file in the county court of the county in which the metropolitan sewer district is located, an appeal from the final action taken with reference to construction of said improvement. From any judgment of the county court, an appeal may be taken to the circuit court of said county and to the Court of Appeals.

(9) When the action of a metropolitan sewer district and the fiscal court have finally determined that a sanitary sewer shall be constructed by assessment in any designated area, the said metropolitan sewer district shall prepare a list of the property owners within the territory to be served by such sanitary sewer and file in the office of county clerk of the county in which said metropolitan sewer district is located, a list of the property owners with the approximate acreage for each land owner.

(10) In September of each year a metropolitan sewer district which has constructed any sanitary sewer under the assessment provisions of this Chapter, shall certify to the sheriff of such county in which the district is located, the amount of the assessment due from any owner of property within the county. The sanitary sewer assessment shall be collected at the same time as state and county taxes.

(11) All assessments for sanitary sewer construction provided for in this Chapter, together with the interest thereon, any penalties for default in payment thereof, and all costs of collection shall, from the date of the filing of the assessment rolls in the office of the county clerk until paid, constitute a lien superior to all other liens except the liens for state, county, city, school and road taxes.

S. B. No. 204. AN ACT relating to purchase by fiscal courts, of equipment for sheriffs and deputies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The fiscal court of any county may purchase mobile radio communication equipment for the use of the sheriff and deputies of that county if it deems the purchase of such equipment to be to the best interest of the county, considering the county finances and other permissible expenditures.

S. B. No. 163. AN ACT relating to administrative regulations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The functions provided in KRS 13.080 to 13.125 to be performed by the Statute Revision Commission shall hereafter be performed by the Legislative Research Commission.

Section 2. Any unexpended appropriated funds and the trust and agency fund maintianed by the Statute Revision Commission in carrying out the provisions of KRS 13.080 to 13.125 are transferred to the Legislative Research Commission, for use for the purposes of KRS 13.080 to 13.125.

Section 3. KRS 13.110, 13.120, 13.130 and 13.135 are repealed.

Ordered that said bills and resolutions be printed and referred.

A message was received from the Senate that they had passed a bill originating in the House as follows, viz:

H. B. No. 312. AN ACT relating to the issuance of notes in anticipation of revenue.

Ordered that said bill be delivered to the Enrolling Clerk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 178. AN ACT relating to loans and scholarships for the study of medicine and making an appropriation therefor.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting legislation relating to loans and scholarships for the study of medicine, it is the intention of the General Assembly to alleviate the shortage of physicians engaged in public health work.

Section 2. As used in this Act, unless the context requires otherwise, "Board" means the State Board of Health.

Section 3. The board shall receive and consider all applications for loans or scholarships made by students who are bona fide residents of this Commonwealth who desire to become physicians and who are acceptable for enrollment in a medical school approved by the board. The board shall make a careful and full investigation of the ability, character and qualifications of each applicant to determine his fitness to become the recipient of such loan or scholarship. The board may examine each applicant. It may prescribe such rules and regulations as it deems necessary and proper to carry out the purpose and intent of this Act. The board may grant to each applicant deemed by the board to be qualified to receive the same, a loan or scholarship as herein provided for the purpose of acquiring a medical education upon terms and conditions imposed by the board and provided for in this Act.

Section 4. A loan or scholarship shall not exceed one thousand dollars per annum, to defray tuition and other expenses in a medical college or school approved by the board. The grant shall be based upon the condition that on or before six months from the date the applicant completes one year of internship he engage in public health work at some place within the Commonwealth approved by the board at the rate of one year for each one thousand dollars, or proportional time for lesser amounts, which shall constitute repayment of the loan or scholarship. Where the board is convinced that there is justifiable cause which the applicant could not have foreseen, the board may allow him to repay the loan or scholarship by paying in cash the full amount of the loan or scholarship plus six percent interest.

Section 5. Before being granted a loan or scholarship each applicant shall enter into a contract with the board which shall be deem a contract with the Commonwealth of Kentucky, agreeing to the terms and conditions upon which the loan or scholarship shall be granted to him. The contract shall include such terms and provisions as will carry out the purpose and intent of this Act and shall be signed by the president of the board, countersigned by the secretary, and signed by the applicant.

Section 6. The board may cancel any contract between it and any applicant for a loan or scholarship upon any cause

deemed sufficient by the board in which event the student shall repay with six percent interest the amount of the loan or scholarship. The board may sue in its own name any person who fails to fulfill his obligations under a contract for a loan or scholarship. Refusal to comply with a decision of the board relating to the method of repayment of a loan or scholarship may constitute grounds for revocation of license as provided for in KRS 311.565.

Section 7. The board may make inquiry of medical colleges and schools, and make arrangements and enter into contracts with such institutions for the admission of students granted loans or scholarships by the board. The board may cancel any contract made with any college or school.

Section 8. Funds appropriated for the purposes of the medical scholarship program and all sums received in repayment of loans and scholarships shall be placed in the State Treasury to the credit of a trust or agency fund for carrying out this program. Loan and scholarship payments shall be made out of this fund on a requisition to the Department of Finance signed by the secretary of the board.

Section 9. There is hereby appropriated to the board out of the General Expenditure Fund in the State Treasury the sum of five thousand dollars for the fiscal year 1954-55, and the sum of ten thousand dollars for fiscal year 1955-56 for the purpose of carrying out the provisions of this Act.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

—80

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 401. AN ACT relating to tuberculosis and making an appropriation therefor.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting this Act it is the intention of the General Assembly to provide for the effective control of the spread of communicable tuberculosis. The provisions of this Act are to be interpreted as recognizing that communicable tuberculosis is a disease dangerous to public health.

Section 2. As used in this Act:

(1) "Health Officer" means the health officer or health administrator of any local health department;

(2) "Communicable tuberculosis" means tuberculosis which is capable of being transmitted from one human being to another;

Section 3. Any person who has communicable tuberculosis shall:

(a) Avoid close contact with babies and small children;

(b) Cover his nose and mouth with disposable tissue paper and destroy the tissue paper by burning it or by causing it to be burned;

(c) Collect all sputum in a sputum container or in some other manner approved by the State Board of Health and burn said sputum or cause it to be burned;

(d) Take such other reasonable precautions for the prevention of the spread of communicable tuberculosis as may be required by the rules and regulations of the State Board of Health adopted for this purpose.

Section 4. Whenever a health officer has reasonable grounds to believe that a person has communicable tuberculosis and that such person has failed to comply with the provisions of Section 3 of this Act, he may make an affidavit before any court or judge thereof reciting such facts and circumstances and the court or judge thereof shall thereafter direct that the person suspected of being afflicted with communicable tuberculosis submit to an examination either by a licensed practicing physician of his own choice at his own expense or by a physician appointed by the health officer at the expense of the county. The examination shall include both physical and laboratory examinations and shall be conducted according to such rules and regulations as may be promulgated by the State Board of Health and shall be reported upon forms furnished by said Board.

Section 5. (1) Any person who violates the provisions of Section 3 of this Act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or both; provided, however, that if, in the opinion of the health officer suitable local facilities are available for the confinement of persons having communicable tuberculosis, such person so convicted shall be committed to said local facilities for the service of any imprisonment adjudged by the court, unless sooner released by the health officer, when, in his opinion, such person may be discharged without danger to the health of other persons.

(2) Whenever, in the opinion of the health officer, suitable local facilities are not available for the confinement of persons having communicable tuberculosis, such person shall be committed to such facilities as may be established or contracted for by the State Department of Health for this purpose.

Section 6. The County and Commonwealth Attorneys and the Attorney General, within their respective jurisdictions, shall represent the health officer in the enforcement of the provisions of this Act. However, a county board of health may employ an

attorney to represent the health officer in proceedings under this Act, and pay such attorney reasonable compensation for services rendered from any unexpended funds at its disposal.

Section 7. For the purposes of this Act, there is hereby appropriated to the State Department of Health, out of the General Expenditure Fund in the State Treasury, the sum of ten thousand dollars per year for each of the fiscal years 1954-55 and 1955-56.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward O. Bridgers	Harold Edmonds
Walter J. Bailey	John Young Brown	Addison L. Everett
John Rhea Banton	Harry M. Caudill	Herbert Fern
Clarence J. Barnum	Cassius M. Clay	Thomas P. Fitzpatrick
Charles E. Baumgardner, Sr.	William J. Conley	Cabell D. Francis
Owen Billington	R. Josh Cosby	C. Ruby Harralson
Edward T. Breathitt, Jr.	Vernor O. Cottengim	George F. Harris
	W. Marvin Davis	Harold G. Helm
	John L. Day	David Heskamp
	C. E. Dowell	

Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Varna Holt
William M. Horn
Jennings H. Kearby
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Cecil C. Sanders
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young
—55

Those who voted in the negative were—

Wallace Bartley
Charles W. Buchanan
Paul Cobb
Albert Dempsey
Harold G. Helm
David Heskamp
Caleb McFadden
William C. Mann
William J. Marcum
Carl D. Melton
Tom Mobley
Fred Morgan
Thomas J. Murphy
W. R. Smith
E. H. Stumbo
James Treadway
Morris Weintraub
William B. Wells
Warren D. Williams
Charles W. Wirsch
—20

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 204. AN ACT relating to property taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 136.120 of the Kentucky Revised Statutes is amended to read as follows:

Every railway company, sleeping car company, chair car company, dining car company, gas company, water company, ferry company, bridge company, street railway company, interurban electric railroad company, express company, electric light company, electric power company, telephone company, telegraph company, bus line company, common carrier trucking company, air transport company, pipe line company, water transportation company, and every other like company or business performing any public service, shall, in addition to the other taxes imposed on it by law, annually pay a tax on its franchise to the state and a local tax thereon to the county, incorporated city, town and taxing district wherein its franchise may be exercised.

Section 2. Subsection (3) of Section 136.160 of the Kentucky Revised Statutes is amended to read as follows:

If the lines or route of a domestic or foreign railway company, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telephone company, telegraph company, press dispatch company, bus line company, common carrier trucking company, air transport company, palace car company, dining car company, sleeping car company, chair car company, tank car company, coal car company, pipe line company, water transportation company, or other like company or business performing any public service, extend beyond the limits of the state, that proportion of the value of the capital stock which the length of the lines or route operated, owned, leased or controlled in this state bears to the total length of the lines or route operated, owned, leased or controlled in this state and elsewhere shall be considered in fixing the value of the corporate franchise of such corporation liable for taxation in this state.

Section 3. A new section of Kentucky Revised Statutes is created to read as follows:

Boats, tugs, barges and other water craft of any nonresident person, corporation, partnership, or any other business association whose route or system is partly within this state and partly within another state or states, shall be valued by the Department of Revenue for purposes of taxation and shall be assessed by the Department of Revenue; and the department shall fairly divide,

allocate and certify such assessments to each county, city, town, or other taxing district within this state, within or through which such route or system is operated, the division, allocation, and certification to be determined in the following manner:

(1) The proportion of the value of the property which the length of the lines or route operated in this state bears to the total length of lines or route operated in this state and elsewhere, shall be considered in fixing the value of the property for taxation in this state. Any other reasonable evidence of value shall be considered in fixing the value but such evidence must be prescribed by departmental regulations.

(2) After ascertaining the portion of the system valuation of such property attributable to this state, the Department of Revenue shall allocate the value of the property among the counties, cities, towns, and other taxing districts. The proportion which the length of line or route operated in that jurisdiction or taxing district bears to the total length of lines or route operated in this state shall be considered in this allocation and such other reasonable evidence of value as the Department of Revenue may by regulations prescribe.

Section 4. A new section of Kentucky Revised Statutes is created to read as follows:

On or before March 1, 1955, and each year thereafter, each nonresident person, corporation, partnership or other business association owning or operating boats, tugs, barges, or other water craft whose route or system is partly within this state and partly within another state or states, shall on forms provided by the Department of Revenue provide the Department of Revenue with a detailed description of all such property as well as a detailed description of the entire route or system traversed and such other information as the Department of Revenue may by regulation prescribe.

Section 5. A new section of Kentucky Revised Statutes is created to read as follows:

The taxes on the above property shall become due at the same time and shall be subject to the same discount and penalties as provided by KRS 134.020, and shall be collected in the same

manner as taxes on other tangible property; except that the state tax on such property shall be collected directly by the Department of Revenue.

Section 6. A new section of Kentucky Revised Statutes is created to read as follows:

Any taxpayer who has been assessed by the Department of Revenue in the manner outlined above shall have thirty days from the date of the department's notice of the tentative assessment in which to protest and ask for a change thereof in the manner provided by KRS 131.110.

Section 7. A new section of Kentucky Revised Statutes is created to read as follows:

Any taxpayer feeling himself to be aggrieved by the final action of the Department of Revenue may appeal to the Kentucky Tax Commission and thence to the courts in the manner provided by KRS 131.110 and KRS 131.120.

Section 8. A new section of Kentucky Revised Statutes is created to read as follows:

When the Department of Revenue has made a final determination as to the valuation of any such property owned or operated by such nonresident person, corporation, partnership or other business association, it shall immediately certify the amount thereof to the county clerk of each county in which any such property is liable for taxation. The certification shall be filed by each county clerk in his office and the county clerk shall certify to the proper collecting officer of the county, city, town, or taxing district for collection.

Section 9. A new section of Kentucky Revised Statutes is created to read as follows:

Sections 3 through 9 shall not apply to any person, corporation, partnership or other business association coming within the purview of KRS 136.120.

Mr. Wathen offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, line 9, by deleting

the language in line 9 and substituting in lieu thereof the following:

"air transport company, pipe line company, common carrier water transportation"

Said motion agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	Charles W. Craig
Walter J. Bailey	Edward O. Bridgers	W. Marvin Davis
Clarence J. Barnum	John Young Brown	John L. Day
Wallace Bartley	Harry M. Caudill	C. E. Dowell
Charles E. Baumgardner, Sr.	Cassius M. Clay	Harold Edmonds
Owen Billington	Paul Cobb	Addison L. Everett
J. Murray Blue	William J. Conley	Herbert Fern
J. C. Bradley	R. Josh Cosby	Thomas P. Fitzpatrick
	Vernor O. Cottengim	Cabell D. Francis

C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Varna Holt
William M. Horn
Jennings H. Kearby
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
W. R. Smith
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the House adjourn until 1:00 P. M. Tuesday, March 9, 1954.

Said motion was agreed to.

And the House did then adjourn.

TUESDAY, MARCH 9, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. L. Tullis, Pastor of the First Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

—95

Mr. Lowman moved that the reading of the Journal of the proceedings of Monday, March 8, 1954, be dispensed with and the same be approved.

Said motion agreed to.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion agreed to.

Mr. Conley moved that J. Edward Bartley, of Louisville, Kentucky, who has served for fifty four years continuously as Precinct Captain at Democraitc Headquarters, and who is the father-in-law of the present Sergeant at Arms, Mr. Robert W. Peebles, be granted the privilege of the floor.

Said motion agreed to.

Mr. Wathen moved that Randy Ross, Jacky Ross and E. B. Lowman II be made honorary pages.

Said motion agreed to.

Mr. Wathen moved that Mrs. E. D. Patton and Mrs. Rebecca Ross be granted the privilege of the floor

Said motion agreed to.

INTRODUCTION OF RESOLUTIONS AND BILLS

Resolutions and bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Harris.

H. Res. No. 93. A JOINT RESOLUTION memorializing the Congress of the United States to enact legislation for the protection of the fluorspar industry.

Said resolution is as follows, viz:

WHEREAS, the mining of fluorspar constitutes a major industrial activity of Livingston, Crittenden and Caldwell counties in this commonwealth; and

WHEREAS, the existence of conditions which have a harmful effect upon the fluorspar mining industry as a whole would

have a direct and harmful effect upon such industry in Kentucky and hence, upon the economies of the counties aforementioned; and

WHEREAS, the low cost of labor in other countries wherein fluorspar is mined makes possible sale of it in the United States at a fraction of the price which domestic producers must obtain, with the result that imports of fluorspar have risen from thirty-eight and seven tenths percent of U. S. consumption in 1950 to sixty-one percent of such consumption in 1953; and

WHEREAS, increased importation of fluorspar has caused the closing of many mines in this country, including a large number of such mines in the counties of Kentucky, aforementioned; and

WHEREAS, the closing of such mines results in the flooding of the shafts and deterioration of supports to the extent that defense production in times of national emergency would be seriously hampered by a delay of from three to six months required for restoration of the mines to workable condition; and

WHEREAS, the closing of fluorspar mines in the counties of Kentucky aforementioned has already had a serious and adverse effect upon the economies of said counties; and

WHEREAS, the domestic industry of fluorspar mining can be protected by the enactment of appropriate Federal legislation;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be memorialized to protect the domestic industry of fluorspar mining by enacting legislation which would either establish quota restrictions on importation of fluorspar or would raise the existing tariff on fluorspar containing ninety-seven percent or more of CaF_2 to eight dollars and forty cents per gross ton and on fluorspar containing less than ninety-seven percent of CaF_2 to sixteen dollars and forty cents per gross ton.

Section 2. That the Clerk of the House of Representatives

be directed to forward copies of this Joint Resolution to the members of Congress from Kentucky and to the Clerks of the Senate and House of Representatives of the Congress of the United States.

By Mr. Pollitte, Mr. Marcum, Mr. Saylor and Mr. Kearby.

H. B. No. 502. AN ACT relating to practical nurses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 314.310 of the Kentucky Revised Statutes is amended to read as follows:

An applicant for a license to practice as a licensed practical nurse shall submit to the board satisfactory evidence that the applicant is at least eighteen years of age, is a citizen of the United States, or has legally declared intention of becoming a citizen, is of good moral character, is of good physical and mental health, has completed at least one year of high school or its equivalent, and such other preliminary qualification requirements as the board may prescribe; and has successfully completed the prescribed curriculum in a school of practical nursing which school is approved by the board and holds a diploma or certificate therefrom, or presents such other qualifications as shall be deemed acceptable by the board. For a period of two years after July 1, 1954, applicant shall be eligible to apply for a license as a licensed practical nurse without meeting the above qualifications; provided, that he shall satisfy the board that he is qualified to practice practical nursing.

By Mr. Marcum.

H. B. No. 503. AN ACT relating to the holding of elections in counties and cities of the second, third, fourth, fifth and sixth classes on the question of the issuance of bonds for the purpose of financing industrial buildings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purpose of financing "industrial buildings" as defined in KRS 103.200, any county, or city of the second, third, fourth, fifth or sixth class may submit to the voters of such municipality the question of whether or not such bonds may be issued as an indebtedness of such municipality.

Section 2. Such election shall be called by ordinance or resolution duly adopted not less than fifteen nor more than thirty days prior to any general election. In the ordinance or resolution calling the election it shall be specified whether or not the indebtedness shall be payable only out of the proceeds of an annual tax levy, or whether or not it is contemplated that the indebtedness will be secured both by rental payments as provided in KRS 103.200 to KRS 103.280 and by the levy of an annual tax, to whatever extent needed to supplement the revenues, if any, received under the procedure set out in KRS 103.200 to 103.280.

Section 3. Upon the adoption of such ordinance or resolution calling the election, the municipality shall give notice of the election by the voters of the municipality to determine whether the indebtedness of the municipality shall be incurred. The notice shall specify the amount of the indebtedness proposed to be incurred, the purpose, and the maximum amount of money which will be necessary to be raised annually by taxation for an interest and sinking fund after the bonds are issued. The notice shall be published for at least two weeks in some newspaper published in, or of general circulation in, the municipality, or by posting notices at three or more places in said muncipality.

Section 4. If two-thirds of the votes cast on the question are in favor of incurring the indebtedness, the legislative body of the municipality shall by ordinance or resolution provide for the method of creating and paying the indebtedness. If the question submitted to and approved by the voters submitted only the question of whether or not the indebtedness should be incurred and paid by tax revenues, then the municipality shall proceed the same as if it were any other indebtedness authorized under the provisions of KRS 66.010 through 66.070. If the question submitted to and approved by the voters provided for the issuance of bonds which would be payable both out of an annual tax levy and out of revenues derived under the procedure provided

by KRS 103.200 to 103.280, then the ordinance shall follow the procedure provided in KRS 103.200 to 103.280 with the further provision in said ordinance that in the event the rentals provided under the lease authorized by said sections prove insufficient at any time to meet the principal and interest requirements on the bonds, then the municipality shall be obligated to provide for the levy and collection of sufficient taxes to provide such deficiency. In the event such combination plan is used, the bonds shall be payable primarily out of the rentals provided in the form of the lease referred to with a further pledge of the general credit of the municipality, provided the amount of bonds issued may not exceed the constitutional limits of indebtedness. In addition to the rental payments provided in the lease, the municipality may provide for an annual tax levy for the purpose of producing a reserve fund for the requirements of such bonds, or it may provide for the levy of said taxes only when and as needed to meet the requirements on said bonds.

Section 5. Bonds issued pursuant to this Act may bear interest at a rate not to exceed six percent per annum, payable either annually or semi-annually, and shall be executed in such manner and be payable at such times not exceeding forty years from date thereof and at such place or places as the ordinance or the resolution shall state.

Section 6. The bonds may provide that they or any of them may be called for redemption prior to maturity, on interest payment dates not earlier than one year from the date of issuance of the bonds, at a price not exceeding 103 and accrued interest, under conditions fixed in the ordinance or resolution authorizing the bonds.

Section 7. Bonds issued pursuant to this Act shall be negotiable. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the municipal legislative body deems best, or any contract for the acquisition of any industrial building may provide that payment shall be made in

such bonds. It shall be plainly stated on the face of this bond that it has been issued under the provisions of this Act.

Section 8. All money received from the bonds shall be applied solely for the acquisition of the industrial building, and the necessary expenses of preparing, printing and selling said bonds, or to advance the payment of interest on the bonds during the first three years following the date of the bonds.

Section 9. If there is any default in the payment of principal or interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the industrial building on behalf of the municipality with power to charge and collect rents sufficient to provide for the payment of any bonds or obligations outstanding against the building, and for the payment of operating expenses, and to apply the income and revenue in conformity with this Act. Such receiver shall have the right, if he is unable to produce sufficient funds to meet the requirements of the bonds and the operating expenses out of such charges and rents, to compel the levy of whatever tax rate is necessary to supply such deficiency.

Section 10. The ordinance or resolution providing for the issuance of the bonds shall set aside and pledge the income and revenue of the industrial building and/or the proceeds of whatever annual special tax is levied and collected under this Act, into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. The ordinance or resolution shall definitely fix and determine the amount of revenue and/or tax proceeds necessary to be set apart and applied to the payment of principal and interest of the bonds, and the proportion of the balance of the income and revenue and/or tax proceeds to be set aside as a proper and adequate depreciation account, and may provide for disposition of the remaining revenue and taxes.

Section 11. The municipality may issue new bonds to provide funds for the payment of any outstanding bonds. The new bonds shall be secured to the same extent and shall have the same source of payments as the bonds refunded.

Section 12. This Act shall be deemed to create an additional

and alternate method for the acquisition of industrial buildings and shall not be deemed to include, alter, amend or repeal any other statute.

By Mr. Day.

H. B. No. 504. AN ACT relating to the appointment of special policemen in cities of the first five classes, providing for terms of appointment, and amending Sections 95.160 and 95.740 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 95.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The director of safety may, in case of need, appoint special policemen for terms of not less than thirty days to do special duty at any place within the city, on terms he deems proper and not in conflict with the civil service provisions.

(2) These special policemen shall be governed by such rules as the director may provide, and be given such powers as the director allows; if rules are not provided they shall have the powers and duties of regular policemen.

Section 2. In cities of the second and third classes the city legislative body may, in case of need, appoint special policemen for terms of not less than thirty days to do special duty at any place within the city, on terms the legislative body deems proper.

Section 3. In cities of the second class operating under the city manager form of government the city manager may, in case of need, appoint special policemen for terms of not less than thirty days to do special duty at any place within the city, on terms the city manager deems proper.

Section 4. Section 95.740 of the Kentucky Revised Statutes is amended to read as follows:

(1) The chief of police and every member of the police force in cities of the fourth and fifth classes may, whether di-

rected to them or not, execute warrants of arrest, processes, subpoenas and attachments for witnesses. They may arrest as prescribed by law for offenses against ordinances or municipal regulations of the city, and shall have the same power of arrest for offenses against the state as a sheriff.

(2) The chief of police and members of the police force shall be entitled to the same fees, and the same remedies for collecting them, that are allowed by law to sheriffs and other officers for similar services, but the city legislative body may, by ordinance, direct that the fees be paid into the city treasury when the chief of police and members of the police force are employed on a salary.

(4) The chief of police may appoint special or extra police, by and with the advice and consent of the city legislative body, who shall have the same powers and duties as the chief of police except that they shall not command the police force.

(4) The chief of police may appoint special or extra police, by and with the advice of the mayor, for terms of not less than thirty days. These special or extra police shall take the oath prescribed by law but shall not be required to execute bond.

By Mr. McCallum.

H. B. No. 505. AN ACT relating to refund of tax on liquid fuel used in operation of aircraft and watercraft, and amending Sections 138.341 and 138.342 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1: Section 138.341 of the Kentucky Revised Statutes is amended to read as follows:

(1) When liquid fuel on which the tax has been paid, pursuant to the provisions of KRS 138.210 to 138.340 has been used for the purpose of operating any aircraft or watercraft engaged in the transportation of persons or property, the purchase of such liquid fuel so used shall be reimbursed to the extent of ninety-five percent of the tax paid. No tax shall be refunded except that paid upon such fuel used exclusively in such motors.

(2) No person shall be entitled to a refund hereunder unless he shall have first filed with the Department of Revenue a bond with approved surety in an amount of not less than one hundred dollars nor more than one thousand dollars to be determined by the Department of Revenue, conditioned upon faithful compliance with this section and KRS 138.342 and upon the payment to the Commonwealth of any refunds to which he was not entitled.

Section 2. Section 138.342 of the Kentucky Revised Statutes is amended to read as follows:

(1) Applications for refund shall on or before the fifteenth of each month be made to the Department of Revenue on forms and in the manner prescribed by it for the refund of tax paid on aviation or watercraft motor fuel used during the preceding month. Each application for a refund shall show the number of gallons of aviation or watercraft motor fuel purchased. during the preceding month; the date and quantity of each purchase; the vendor from whom such fuel was purchased; the number of gallons on which refund is claimed; and such other information as the Department of Revenue may require. The application shall be made under oath.

(2) The Department of Revenue shall audit the application and make such other investigation as it deems necessary to determine whether it constitutes a proper claim. When the Department of Revenue is satisfied that a refund is proper it shall authorize ninety-five percent of the amount of the tax paid to be refunded as other refunds are made and the amount refunded shall be deducted from current gasoline tax receipts.

(3) When the Department of Revenue finds that an application for a refund contains a false or fraudulent statement or that a refund has been fraudulently obtained, the Department of Revenue shall refuse to grant any refunds to the person making such false or fraudulent statement or fraudulently obtaining a refund for a period of two years from the date of such finding.

By Mr. Holsclaw.

H. B. No. 506. AN ACT relating to the establishment of an electrical inspection board.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Board" means the State Electrical Inspection Board.

(2) "Electrical System" means any system designated for use of electric current for power, light, heat or other service whether for domestic, industrial, institutional or commercial use. Electric utility distribution, transmission and generation systems, automotive equipment, installations in mines and railroad cars, or other installations employed by transportation or communication companies and located outdoors or in buildings used exclusively for that purpose are excluded from the requirements of this Act.

Section 2. The board shall be composed of the following members:

(1) The State Fire Marshal, or his appointed representative, who shall hold office on the board by virtue of his position;

(2) Eight additional members, who shall represent the following groups and be elected in the following manner:

(a) Two members from two separate and distinct private electric utility companies;

(b) Two members from two separate and distinct cooperative electric utility agencies;

(c) Two members from two separate and distinct electrical contractors' agencies;

(d) One member who shall be a registered professional electrical engineer;

(e) One qualified electrical inspector;

(3) Appointments to the board shall be so distributed that no group or groups with similar interests will constitute a majority of the board. A board member shall be qualified if he has

served at least five years in the business represented by his group.

Section 3. (1) Members of the board shall be appointed by the Governor with the advice of the governing bodies of the groups represented. Each member of the board, except the State Fire Marshal or his representative, shall hold office for four years after appointment, except that in making appointments for the original organization of the board, two members shall be appointed to serve one year, two members shall be appointed to serve two years, two members shall be appointed to serve three years and two members shall be appointed to serve four years.

(2) The State Fire Marshal shall be chairman of the board.

(3) In the event any member appointed to the board severs his relationship with the industry represented by him, he shall forfeit his office and the vacancy created by such forfeiture shall be filled by the Governor.

Section 4. The board shall:

(1) Adopt such by-laws and rules of order as may be necessary for its proper operation;

(2) Set electrical inspection standards for the protection of life and property;

(3) Examine applicants and issue licenses to conduct such inspections as are called for in Sections 8 and 9 of this Act to qualified and competent persons who have passed such examinations;

(4) Make such reasonable rules and regulations as may be necessary to insure proper inspections, reports and certifications of inspections;

(5) Establish procedures, records, and reports governing delayed inspections provided for in Section 9 of this Act;

(6) Act as referee in any dispute arising between supplying and installing agencies as to interpretation of established inspection standards;

(7) Publish annually, for free distribution to all city and county inspection authorities and for distribution at a nominal cost to other persons, a complete roster of all licensed inspectors;

(8) Print and distribute to all electrical inspectors and supplying agencies copies of all rules, regulations and orders made by the board.

Section 5. (1) With the exception of the State Fire Marshal, who shall serve as chairman of the board as a part of his regular duties, members of the board shall receive compensation for their services while attending, going to and returning from board meetings at a reasonable rate per diem which shall be set by the Governor with the advice of the Commissioners of Finance and Insurance.

(2) Additional compensation shall be paid to the board members for necessary expenses in attending meetings of the board, or otherwise officially conducting the business of the board.

Section 6. The board shall meet semi-annually on dates to be set by the board, and may be called into special session by its chairman whenever the pressure of business necessitates more frequent meetings.

Section 7. The board shall appoint an executive-secretary who shall have at least five years experience in the electrical industry, and who shall, by training or experience, meet other qualifications set by the board. The executive-secretary shall be a full-time employee and shall be paid a salary to be determined by the board with the advice and consent of the Commissioners of Finance and Insurance. The executive-secretary shall:

(1) Keep an accurate and complete record of all proceedings of the board;

(2) Keep a complete record of all inspectors licensed under the provisions of this Act;

(3) Receive and file such inspection reports as the board considers necessary for the proper performance of its duties.

Section 8. No electrical system installed within a building,

structure or premise, publicly or privately owned, and no alterations or additions to existing fixed or generally considered permanent systems shall be connected to a public utility supply until the installation has been found to conform to the requirements of this Act by an inspector duly licensed by the board; except, however, that no inspection will be required for any of the following:

(1) The replacement of lamps or the connection of portable electrical equipment to suitable permanently installed receptacles;

(2) The installation, alteration or repair of electrical equipment for the operation of a signal system or the transmission of intelligence by wire;

(3) The installation, alteration or repair of electrical equipment installed by or for an electric supply or communications company or agency for use in the generation, transmission, distribution or metering of electricity;

(4) Any work involved in the manufacture or testing of electrical equipment or apparatus.

Section 9. (1) No electric utility company shall be required to furnish current to any electrical system constructed, extended or remodeled unless such company has been furnished with a written notice that such system has been inspected and found to be in accordance with the requirements of this Act by an inspector properly authorized by the board.

(2) In the event an inspector is not available to make such an inspection within three days after completion of the work, the utility company may accept, as a temporary substitute for approval, a statement signed by the installing agency certifying that all work is in accordance with the provisions of this Act and guaranteeing replacement of any unsatisfactory work done by the installing agency.

(3) If such an installation has been found not to conform with the provisions of this Act by a qualified inspector within a reasonable time, to be determined by the board, after the date of connection of current and the installing agency fails or refuses

to make necessary changes, the installing agency shall be deemed guilty of violating the provisions of this Act.

Section 10. (1) The board shall charge and collect fees for examinations, license and annual license renewal as follows: examinations, seven dollars and fifty cents for each individual inspector; initial license, one hundred dollars for each individual or firm; annual license renewal, seven dollars and fifty cents for each individual or firm.

(2) In addition to the above fees the board shall charge and collect a fee of fifty cents for each inspection made by each individual inspector during the year. Each inspector shall file a report with the board at the end of each quarter setting out the number of inspections made by him during said quarter. Said report shall be accompanied by payment of the fees herein set out. Failure to file reports and make payments as herein required shall be grounds for suspension, revocation or cancellation of license.

(3) The board shall require each inspector at the time he obtains a license to file a complete schedule of his inspection fees for approval by the board. A new schedule shall be filed for approval by the board each year thereafter.

Section 11. Application for license as an inspector shall be in such form and manner as may be prescribed by the board. Applicants shall have such qualifications as may be prescribed by the board.

Section 12. All monies collected shall be paid into the State Treasury and credited to a trust and agency fund to be used solely for the administration and enforcement of this Act.

Section 13. (1) The board shall have the power to suspend, revoke or cancel any license issued by it after a hearing conducted by the board pursuant to written notice to the licensee at least ten days prior to such hearing. Said notice shall contain a statement of charges to be heard, and the time and place of hearing.

(2) The board and the licensee may be represented by counsel at any hearing conducted pursuant to the provisions of this Act.

(3) The board shall keep a true and concise record of the proceedings at the hearing, and shall, within thirty days after the hearing, make its decision setting forth therein the reasons for such decision and the effective date thereof. A copy of the decision shall be given by the board to each person to whom notice of the hearing was given or required to be given.

(4) Any person to whom a decision or order of the board resulting from a hearing is adverse, may, within thirty days after the date of such decision or order, appeal therefrom to the Franklin Circuit Court by filing a petition for review in such court and serving a copy thereof upon the executive-secretary of the board and other parties in interest, if any.

Section 14. No person qualified as an inspector by the board shall engage in the installation, sale or servicing of electrical systems or equipment or have any financial interest in any business engaged in the installation, servicing or sale of electrical equipment during the term of his qualification as an inspector, nor shall such inspector or any member of his immediate family have any proprietary or financial interest in any property inspected during the term of his qualification as an inspector, or for a period of two years after the date of such inspection.

Section 15. Nothing in this Act shall be construed to restrict the activities of inspectors employed by political subdivisions of the Commonwealth which have, by legal process, adopted building or electrical codes in substantial conformity with the requirements of this Act as determined by the board, and which conduct regular programs of building or electrical permits and inspections. When such inspectors make inspections outside their regular area of employment, they shall be qualified by the board as provided in this Act.

Section 16. The board may waive the requirement of inspection in cases where no inspection service by a person qualified under this Act is available within twenty miles of the installation to be inspected.

Section 17. Any person who violates any provision of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not more than ninety days, or both.

By Mr. Lowman and Mr. Wathen.

H. B. No. 507. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.815 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) On or before January 1 of each year, and as a condition precedent to the use of the highways, every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual tax upon each motor vehicle so used, as follows: Five dollars for each regular seat for the first thirty-one seats, and eight dollars for all seats in excess of thirty-one; except that taxicabs, city buses, industrial buses, suburban buses, and U-Drive-Its, shall pay the fees set forth in subsection (3) of this Section.

(2) Every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways, a mileage tax as follows: one-thirty-sixth of a cent for each regular seat in the motor vehicle multiplied by the total number of miles traveled over which passengers are transported for hire, except that taxicabs, city buses, industrial buses, suburban buses, and U-Drive-Its are not required to pay the mileage tax imposed by this Section.

(3) Taxicabs, city, suburban, and industrial buses, and U-Drive-Its, shall pay a license fee based upon seating capacity as follows:

Each taxicab	$3.00 per seat
Each city bus	1.50 per seat
Each industrial bus	2.50 per seat
Each suburban bus	1.50 per seat
Each U-Drive-It passenger car	2.50 per seat

(4) Subsequent to July 1, 1954, every carrier or motor carrier of passengers shall be required to pay the taxes imposed by subsections (1), (2), and (3) hereof. Every carrier or motor carrier of passengers who has, before July 1, 1954, paid, for the year 1954 or a portion thereof, the seat tax imposed by KRS 281.815 shall receive credit for said taxes in an amount equal to the tax which would have been paid for a period of six months. Such credit shall be first applied to the payment of the seat tax imposed by KRS 281.815 (1), as amended by this Act, and the balance of such credit shall be applied to the payment of the mileage tax imposed by KRS 281.815 (2), as amended by this Act. In the event any credit remains due any carrier as of December 31, 1954, such remaining credits shall be applied to the payment of the seat tax for the year 1955 imposed by KRS 281.815 (1), as amended by this Act, and the balance of such credit, if any, shall be applied to the payment of the mileage tax becoming due during 1955 imposed by KRS 281.815 (2), as amended by this Act. In no event shall a cash refund be made.

(5) All cities of the Commonwealth are hereby authorized to impose an annual license tax on all taxicabs certificated by the Department of Motor Transportation for operation in said city, which license tax shall not exceed thirty dollars per taxicab.

(6) All cities of the Commonwealth are hereby authorized to impose a mileage tax upon city buses when operating in said city under the authority of a city bus certificate, provided that said mileage tax shall not be in excess of one-fourth of a cent per mile operated in said city, and, in computing said mileage tax, miles operated upon roads or streets maintained by the Commonwealth or by any other governmental agency, except the city, shall not be counted.

COMMITTEE REPORTS

Mr. Burnley, Chairman of the Committee on Rules, to which same had been previously referred, reported favorably bills and resolutions of the following titles, viz:

H. R. No. 33. A JOINT RESOLUTION creating a Tax Planning Committee to make a study, survey and report con-

cerning any necessary revision of the tax structure of the Commonwealth and of the sources of revenue presently available to the Commonwealth; providing for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

S. B. No. 162. AN ACT relating to statute revision and related legislative services.

S. B. No. 163. AN ACT relating to administrative regulations.

S. R. No. 13. A JOINT RESOLUTION authorizing and directing payment of a claim of the Louisville Sand and Gravel Company.

S. R. No. 17. A JOINT RESOLUTION authorizing Margaret Ann Minix as Administratrix of the estate of W. T. Stafford, Sr., to sue the Commonwealth of Kentucky.

S. R. No. 18. A JOINT RESOLUTION authorizing the personal representative of the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either and declaring an emergency.

S. R. No. 22. A RESOLUTION authorizing Nannie Mae Kelly and her husband, Herbert Kelly, to sue the Commonwealth of Kentucky and the State Fair Board, or either of them.

S. R. No. 23. A JOINT RESOLUTION authorizing Carl William Riedling, a resident of Eddyville, Lyon County, Kentucky, to sue the Commonwealth of Kentucky, the Kentucky Department of Welfare, and the Kentucky State Penitentiary at Eddyville, Kentucky, or any one or more of them.

S. R. No. 29. A JOINT RESOLUTION authorizing Thomas Milton Durham, an Infant, by His Father and Next Friend, W. W. Durham, or His Successor as Next Friend or Guardian to Sue the Commonwealth of Kentucky and the Department of Highways of the Commonwealth of Kentucky, or Either.

S. R. No. 39. A JOINT RESOLUTION authorizing Howard A See, guardian of Garred C. See, an infant, and A. T. See,

father of Garred C. See, an infant, to sue the Department of Highways and the Commonwealth of Kentucky, either or both.

H. B. No. 151. AN ACT relating to rabies control and making an appropriation therefor.

S. B. No. 187. AN ACT relating to the preservation of bank records.

S B. No. 131. AN ACT relating to apiaries, amending Subsection (1) of Section 252.220 of the Kentucky Revised Statutes.

H. B. No. 244. AN ACT relating to the levy and assessment of property taxes and amending Section 132.200 of the Kentucky Revised Statutes.

H. B. No. 467. AN ACT relating to establishment of public street lighting districts.

H. B. No. 481. AN ACT providing for a tax on greyhound racing and providing how said tax shall be levied and collected and providing the means and method of levying and collecting same, etc.

H. B. No. 501. AN ACT relating to utilities in cities of the third class, and amending Section 96.182 and 96.184 of the Kentucky Revised Statutes.

S. B. No. 178. AN ACT relating to police courts, amending subsection (5) of section 26.530 of the Kentucky Revised Statutes.

H. B. No. 499. AN ACT relating to penalty for neglect of child, and amending subsection (1) of Section 405.990 of the Kentucky Revised Statutes.

By way of Committee Substitute, attached thereto.

H. B. No. 222. AN ACT relating to public health.

Whereupon said bills were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 37. AN ACT relating to loan and investment companies in cities of the first five classes and amending Sections 291.120 and 291.150 of the Kentucky Revised Statutes.

H. B. No. 212. AN ACT relating to the licensing of motor vehicles.

H. B. No. 282. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to compensation of prosecuting attorneys, amending section 98 thereof.

H. B. No. 382. AN ACT relating to the registration of marriages, divorces, annulments and adoptions with the State Department of Health.

S. B. No. 211. AN ACT relating to motor vehicles and the operators thereof; transferring certain administrative functions relative thereto from the Department of Revenue to the Department of State Police; and making an appropriation of funds therefor.

S B. No. 219. AN ACT relating to teachers' tenure.

S. Res. No. 20. A JOINT RESOLUTION providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

S. B. No. 154. AN ACT relating to establishment and maintenance of county drainage districts for the drainage of surface water in all parts of the county.

H. B. No. 349. AN ACT relating to collection of taxes upon the property in any fire protection district, amending Section 75.040 of the Kentucky Revised Statutes.

H. B. No. 480. AN ACT relating to encroachments on state-maintained highway rights-of-way, and providing penalties.

H. B. No. 351. AN ACT relating to definition of places of entertainment and amending Section 231.010 of the Kentucky Revised Statutes.

S. B. No. 190. AN ACT relating to revenue and taxation.

S. B. No. 158. AN ACT relating to the manufacture and sale of prison-made goods.

H. B. No. 198. AN ACT relating to the education of physically and mentally handicapped children, and the salary schedules applicable to the teachers of such children.

H. B. No. 332. AN ACT empowering and authorizing cities of the second class to pass legislation providing for pensions of police court judges.

H. B. No. 354. AN ACT to prevent unfair cigarette sales in Kentucky.

H. B. No. 335. AN ACT amending KRS 412.070 relating to compensation and expenses of plaintiffs and their attorneys in class actions or in cases in which plaintiffs have a common interest.

Mr. Day moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 197. AN ACT relating to credit unions, and amending Sections 290.010, 290.080, 290.120, 290.130, 290.200, 290.220 and 290.230 of the Kentucky Revised Statutes.

H. B. No. 312. AN ACT relating to the issuance of notes in anticipation of revenue.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to

be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the Signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 380. AN ACT relating to registration and purgation; etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All forms required to be furnished by the State Board of Registration and Purgation under the provisions of KRS Chapter 117 shall be prepared and printed as the board directs, and the provisions of KRS Chapter 57 shall not apply.

Section 2. Subsection (1) of Section 117.630 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Board of Registration and Purgation shall constitute a board to prepare blanks and all other forms for the registration, purgation, transfer, etc., of voters outside of cities of the first class. The blanks and forms shall be printed, prepared and furnished as the board may direct, and shall be paid

out of the State Treasury. Separate card or loose-leaf registration record forms for the registration of the individual voters shall be prepared in duplicate, upon durable paper and of convenient size and shape as determined by the board, the original cards or forms being printed upon white paper and marked "Original," and the duplicates printed upon paper of another color and marked "Copy," each of the cards or forms providing for the entry thereon of the following information, signature and affidavit of the voter:

Date of Registration _____

Serial Number _____

Name of Voter _____

Address _____

(Number) (Street) (City or post office) (County road) (Box No.)

Nearest neighbor, if not in city or town _____

Term of Residence: State _____

County _____

Precinct _____

Color _____

Occupation _____

Party Affiliation _____ Sex_____

Apparent Weight _____

Apparent Height _____

Other Means of Identification _____

_____Signature of voter

Attest: _____

Clerk of _____County Court

VOTING RECORD

Mark the appropriate space for each election at which the elector votes.

	Primary	General		Primary	General		Primary	General
1952			1959			1966		
1953			1960			1967		
1954			1961			1968		
1955			1962			1969		
1956			1963			1970		
1957			1964			1971		
1958			1965			1972		

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

—78

Those who voted in the negative were—

Albert Dempsey
Lon C. Hill
James W. Lambert
Caleb McFadden
William J. Marcum
James Treadway
Dr. Clyde D. Wooton

—7

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was

passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 383. AN ACT relating to the practice of chiropody.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (Subsection 2) of Section 311.380 of the Kentucky Revised Statutes is amended to read as follows:

"Chiropody" means the diagnosis, and the local, medical, mechanical and surgical treatment, of ailments of the human foot, and massage in connection therewith, except amputation of the foot or toes, or the use of anesthetics other than local, or the use of drugs or medicine other than local; provided, however, that in connection with such treatment analgesics, antipyretics, and codeine may be used orally and antibiotics or sulfanilamide agents may be used through local application.

Section 2. Section 311.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby established a State Board of Chiropody which shall consist of five practicing chiropodists, each appointed by the Governor. All appointments, including appointments to fill vacancies, shall be made from lists of three names for each position submitted by the Kentucky Association of Chiropodists. Any vacancy shall be filled for the unexpired term by the Governor, as provided in the original appointment.

(2) A person to be eligible for appointment as a member of said board shall be at least twenty-one years of age, of good moral character, a resident of this state, and a licensed and practicing chiropodist in this state for at least five consecutive years next preceding the date of his appointment. No member of the board shall be a stockholder, officer or member of the faculty or

board of trustees of any school, college or institution of chiropody.

(3) The State Board of Chiropody, established by Chapter 197 of the Acts of 1952, is hereby abolished, and all rights, functions, powers and duties of said board and of the State Board of Health under said Act are hereby transferred to and vested in the State Board of Chiropody established by this section, upon the effective date of this Act. All records, files and moneys shall be turned over to the State Board of Chiropody established by this section upon the effective date of this Act.

(4) The terms of office of the five members first appointed shall be one, two, three, four, and five years, respectively, and the respective terms of the first members shall be designated by the Governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be five years, or until his successor shall be appointed and qualified.

(5) The board shall elect one of its members as president, and one of its members as secretary. The board is authorized to fix the compensation of the secretary and to employ and fix the compensation of all personnel required by it for the administration of KRS 311.390 to 311.520. The board shall have power to make all rules and regulations, not inconsistent with KRS 311.390 to KRS 311.520, as may be necessary to implement and carry out the provisions and purposes of KRS 311.390 to 311.520.

(6) The board shall hold meetings at least twice a year and as frequently as it deems necessary at such times and places as the board may designate. A majority of the members shall constitute a quorum.

(7) The board may sue and be sued in its own name.

Section 3. (1) The State Board of Chiropody shall administer the provisions of law pertaining to the practice of chiropody.

(2) The board may adopt rules and regulations to implement and carry out these provisions.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Addison L. Everett	Carl D. Melton
Walter J. Bailey	Thomas P. Fitzpatrick	Robert K. Montgomery
Clarence J. Barnum	Cabell D. Francis	Walter R. Moorman
Charles E. Baumgardner, Sr.	W. L. Hadden	Fred Morgan
Leo A. Bleemel	C. Ruby Harralson	Thomas J. Murphy
Edward T. Breathitt, Jr.	David Heskamp	Foster Ockerman
Edward O. Bridgers	Estill R. Hilton	Louis T. Peniston
John Young Brown	Chester J. Holsclaw	Edward D. Pollitte
Harry M. Caudill	Varna Holt	Roger E. Qualls
Cassius M. Clay	William M. Horn	Paul T. Ratcliffe
Paul Cobb	William L. Jones	Jack Raybourne, Jr.
William J. Conley	Talmage Lacy	Robert Reid
R. Josh Cosby	Harry King Lowman	Russell Reynolds
John L. Day	Shelby McCallum	Lloyd E. Rogers
Albert Dempsey	Ralph E. McClanahan	William A. Routh
C. E. Dowell	Damon Majors	Cecil C. Sanders
Harold Edmonds	William C. Mann	W. R. Smith
	William J. Marcum	Mrs. Thelma L. Stovall

C. Waitman Taylor	Mrs. Randolph Wilson	Walker H. Wiseman
Eulick Walsh	T. D. Winstead	Dr. Clyde D. Wooton
Will Tom Wathen	Charles W. Wirsch	Paul E. Young
Morris Weintraub		—63

Those who voted in the negative—

Harold G. Helm	Caleb McFadden	James Treadway
		—3

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 139. AN ACT relating to rabies and dog control and livestock and dog protection, with provision making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the declared policy of this state that rabies is a disease which is dangerous to the public health and as such its spread should be effectively controlled.

Section 2. For the purposes of this Act, the following terms shall have the meanings set forth below unless the context requires otherwise:

(1) "Dog" shall include all members of the canine family, six months of age or over.

(2) "Owner" when applied to the proprietorship of a dog shall include every person having a right of property in such dog, and every person who keeps or harbors such dog, or has it in his care, or acts as its custodian, or who permits it to remain on or about premises owned or occupied by him.

(3) "Vaccination" or "Immunization" means the injection

by a veterinarian or other qualified person of vaccine approved by the Bureau of Animal Industry, U. S. Department of Agriculture, in amounts approved by the Kentucky Veterinary Medical Association.

(4) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky and accredited by the Bureau of Animal Industry, U. S. Department of Agriculture.

(5) "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and confined and domesticated hares and rabbits.

(6) "Poultry" shall include all domesticated fowl and all game birds which are legally kept in captivity.

(7) "Persons" shall include state and local officers, employes, individuals, corporations, co-partnerships and associations.

(8) "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

(9) "Police Officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or district, whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State Police, game fish and forest wardens, sheriffs, deputy sheriffs, constables, policemen and all other police or peace officers for any officer or employe of the Agriculture Department, and "Sheriff" shall include deputy sheriffs.

(10) "Agriculture Department" means the Department of Agriculture, Labor and Statistics.

(11) "Agriculture Commissoner" means the Commissioner of Agriculture, Labor and Statistics.

(12) "Board of Agriculture" shall mean the State Board of Agriculture.

(13) "Health Department" means the Department of Health.

(14) "Health Commissioner" means the Commissioner of Health.

(15) "Committee" means the Joint Advisory Committee established pursuant to this Act and empowered by provisions of this Act, and the provisions of any subsequent acts, to coordinate the enforcement of this Act.

(16) "Livestock Fund" means the fund established pursuant to this Act and shall include all receipts received through the Agriculture Department under the terms of this Act and in addition thereto, any appropriations made by the terms of this Act and by the terms of any subsequent Act.

(17) "License" shall mean the dog or kennel license established and issued pursuant to provisions of this Act.

(18) "Qualified person" means a person granted a permit to administer vaccine by the State Board of Health for the vaccination or immunization of animals against rabies.

Section 3. (1) On or before September 1, 1954 and on or before September 1 of each year thereafter, the owner of any dog six months old or over shall have his dog vaccinated against rabies. The veterinarian who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the State Department of Health. The vaccination certificate shall be prepared and issued in triplicate; one copy to be retained by the issuing veterinarian, one copy to be forwarded by the veterinarian to the local health department, provided, however, that in the event no local health department is maintained the certificate shall be forwarded to the State Department of Health and one copy to be retained by the owner of the dog vaccinated. Each certificate shall bear the name and address of the veterinarian who issued it. Along with the issuance of the certificate, the veterinarian shall furnish each owner with a serially numbered metal tag bearing the same number as the certificate and the year issued. It may bear the name of the issuing veterinarian. The tag shall be affixed by the owner to a collar or harness furnished by him and shall be worn by the dog

for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the dog. Provided, however, that the State Board of Health, in its sound discretion, may by such rules and regulations as it deems advisable:

(a) Exempt from the provisions of this section the owners of the dogs in any county or counties in which the incidence or rabies decreases sufficiently to warrant such action.

(b) Extend the period required for re-vaccination if and when a new vaccine is developed which will give a longer period of immunity than vaccinne in use at the present time.

(c) Authorize qualified persons other than veterinarians to administer vaccinations when conditions and circumstances so warrant.

(d) Exempt from the provisions of this section the owners of dogs which are brought into this state for show purposes for a period not to exceed 30 days.

(e) Exempt from the provisions of this section the owners of dogs which are continuously kennelled and confined.

(2) Any owner who has had his dog vaccinated against rabies in another state by the proper authority therein shall not be required to have such dog revaccinated when brought into this state provided the requirements of such state under which the vaccination was made were of a standard not lower than those required in this state and provided further that such dog wears a tag affixed to his collar or harness bearing the date of such vaccination. One year after the date of such vaccination such dog must be re-vaccinated unless provided otherwise by the rules and regulations of the State Board of Health. The State Board of Health may make rules and regulations governing the matter of reciprocity with other states.

Section 4. Whenever vaccination or immunization facilities or veterinary services are not readily available or do not meet the entire needs of a county, the State Department of Health may contract with veterinarians or other qualified persons to vaccinate dogs or animals at scheduled mass immunization clinics,

such vaccinations to be administered at the minimum cost at which the Department finds proper services can be arranged for, but in no instance at fees in excess of $1.50 per dog or animal vaccinated, to be paid by the owner to the State Department of Health. Fees so collected by the State Department of Health shall be paid into the State Treasury and credited to a trust and agency fund to be used in defraying the costs and expenses of administering this Act.

Section 5. Whenever a local board of health has reason to believe or has been notified by the State Department of Health that there is danger that rabies may spread within the county or any portion thereof, such Board shall serve public notice by publication in a newspaper of general circulation in such county, requiring the owners of dogs, or other animals so specified, to confine them for such periods as may be necessary to prevent the spread of rabies, and when it shall be deemed advisable in the interest of public health the local board of health shall order all dogs re-vaccinated against rabies and if they fail or neglect to do so then, the State Department of Health may order the re-vaccination of all dogs or other pet animals so confined except, however, animals that have been previously vaccinated within the past six months under the provisions of this Act, and the State Department of Health may aid the local health Department in the execution of such emergency vaccinations.

Section 6. Every physician shall within twelve (12) hours after his first professional attendance of a person bitten by a dog, cat or other animal report to the local health department the name, age, sex, color, and precise location of the person so bitten. If a child is bitten and no physician attends the report shall be made by his parents or guardian. If any adult is bitten and no physician attends he or the person caring for him shall make the report.

Section 7. The State Board of Health may administer the provisions of this Act through the local health departments as deemed advisable and may make such rules and regulations and employ such professional or lay personnel as are necessary to effectuate the purposes of this Act.

Section 8. A health officer or his agent shall have the au-

thority to quarantine for a period of fourteen days any dog which has been bitten by another dog or animal which is known or is suspected of having rabies, or which has bitten a human being or which exhibits symptoms of rabies. Such dog may be quarantined by the health officer at a designated place at the owner's expense.

Section 9.

(1) Any owner who fails to have his dog vaccinated against rabies in accordance with Section 3 or Section 5 of this Act shall be punished by a fine of $20.00 or by imprisonment for not more than 30 days and each day of violation shall constitute a separate offense.

(2) The owner of any dog not vaccinated according to the provisions of this Act shall be liable to pay all damages for personal injuries which may be sustained by anyone by the bite of such dog, if rabid.

Section 10. There is hereby appropriated to the State Department of Health, out of the General Expenditure Fund in the State Treasury to be deposited in a trust and agency fund for the purpose of carrying out the provisions of this Act, the sum of thirty thousand $30,000 dollars.

Section 11. On or before July 1, 1954, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the sheriff of the county in which he resides, or such other agent as hereinafter provided for in this Act, for a license for each such dog owned or kept by him. Such application shall be accompanied by a license fee of $2.00 for each dog. Any license issued for the year of 1954 before July 1, 1954, will be effective until July 1, 1955. The sheriffs of the counties shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless and until the Agriculture Department shall determine, with the approval of the Governor, to issue all licenses either directly or through other agents; and for services rendered in collecting and paying over the same, such sheriffs shall be allowed to retain the sum of 25c for each license. The balance of the license fee collected shall be paid to the Agriculture Department on or before the 15th day of each

next succeeding month and shall be paid into the State Treasury by the Agriculture Department and credited to the Livestock Fund, which fund shall be expended for carrying out enforcement provisions and for the payment of livestock, poultry and dog losses as hereinafter set out in this act. Provided, however, that if the Joint Committee, as hereinafter set out, shall find it to be in the interest of maximum enforcement of the Act to permit certain other portions of the license fee to be retained by the respective counties for use in such enforcement, then nothing in this Act shall prevent the Department of Agriculture from allowing such portions of the license fee to be so retained by the counties.

Section 12. A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the Agriculture Department and shall be void on July 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the Agriculture Department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost a duplicate shall be issued at a charge determined by the Department to be in a reasonable relationship to the cost involved. The Department may, if the Joint Advisory Committee deems such a plan practical, arrange for the tattooing of dogs under a system whereby tattoo marks shall serve as proof of licensing in the event a tag is lost or is removed for good reason by a dog owner or keeper, but such tattooing shall be done only upon the request of the owner or keeper.

Section 13.

(1) The tag provided for in Section 12 of this Act shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(2) No license or tag issued for one dog shall be transferable to another dog except as provided in Section 16 of this Act.

(3) Except when a tattoo is used as provided in Section 12 of this Act, any dog not bearing a tag shall prima facie be

deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 14. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and any owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 15.

(1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 11 of this Act, apply to the sheriff or the Agriculture Department for a kennel license entitling him to keep or operate a kennel. Such application shall be accompanied by a license fee of $10.00 for each license to keep ten dogs or less and $15.00 for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the Agriculture Department, converted into the State Treasury and credited to the Livestock Fund in the same manner as the regular dog license fees as provided in Section 11 of this Act.

(2) A kennel license shall be issued on a form prescribed and supplied by the Agriculture Department.

Section 16.

(1) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Agriculture Department equal to the number of dogs authorized to be kept in the kennel.

(2) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 17.

(1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of

the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this Section shall be considered as if never licensed.

Section 18. Each sheriff or other agent as provided in Section 11 of this Act, shall keep a record of all dog and kennel licenses issued and shall report to the Agriculture Department monthly his license sales on a form prescribed and supplied by the Agriculture Department. The record maintained shall be a public record.

Section 19. The Agriculture Commissioner shall be charged with the enforcement of the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs, but enforcement and regulation of vaccinations provisions shall be fully under the supervision and control of the Health Department as set out in other sections of this Act. The Commissioner may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Agriculture Department shall make and promulgate such rules and regulations for the enforcement of licensing provisions of this Act as the Agriculture Commissioner may deem reasonable and necessary. The Agriculture Department may employ such personnel as may be necessary, and persons so employed shall have all of the powers of peace or police officers with respect to the enforcement of this Act and, insofar as consistent with established law governing such peace and police officers, may enter upon the premises of any person for the purpose of investigation upon displaying a badge of identification to be furnished by the Agriculture Department.

Section 20. To achieve the coordination essential to enforcement of this Act, the responsibility for advising the Agriculture Department and the Health Department, as well as conferring approval where provided for herein, is vested in a Joint Committee. The Committee shall be composed of the Agriculture Commissioner, or his designate, the Health Commissioner or his designate, and five members appointed by the Governor

as follows: one from a list of three persons nominated by the Kentucky Farm Bureau Federation, one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association, and one from a list of three persons nominated by Kennel Clubs of Kentucky, and one from a list of three persons nominated by the Kentucky Veterinary Medical Association. In the event one or more of the organizations herein named should cease to exist, or for any other reason should fail to make nominations, then the Governor shall name one or more other non-governmental but interested organizations which shall be asked to nominate three persons each, in order that full membership of the Committee may be maintained. The appointed members shall serve for a term of four years and until their successors are appointed and qualify.. The Committee shall elect a chairman and shall meet at such time and such place as the chairman shall designate. Four members present at any meeting shall constitute a quorum, and upon the written request of any three members the chairman shall call a meeting of the committee at the time and place requested. Committee members not already employed by the state shall be compensated at the rate of $15.00 per day for committee services rendered and shall be reimbursed for any actual expense incurred in performing committee duties. The Committee shall be non-partisan, not more than three of the five last-named members herein provided for being affiliated with any one political party.

Section 21.

(1) All Costs and expenses incident to the enforcement of the Act incurred by the Agriculture Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $200,000 in any fiscal year except upon approval of the committee. There shall be appropriated to the Department of Agriculture $30,000 for the fiscal year 1954-55 for the purpose of initiating provisions of this Act which fall under the supervision and control of the Agriculture Department.

Section 22.

(1) Any person may bring, or cause to be brought into the state, for a period of ninety days, one or more dogs for show,

trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the state of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 23.

(1) It shall be within the authority of every police officer to seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper. Any police or peace officer is hereby authorized and empowered to go upon any premises to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such police officer is in any immediate pursuit of any such dog. The police officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after seven days from the giving of such notice, the dog has not been claimed, the police officer shall dispose of such dog by sale or by destruction in some humane manner. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the Agriculture Department and credited to the Livestock Fund.

(2) It shall be the duty of every police officer to seize and

impound any dog which does not bear a proper license tag or other legible identification which is found running at large, but if a police officer, after diligent effort to do so, should fail to seize such a dog, it shall then become his duty to destroy the dog by any reasonable and humane means. Any such dog which a police officer is successful in seizing shall be impounded for three days, and if unclaimed by the owner or sold in accordance with other provisions of this Act, then such dog may be destroyed in some humane manner.

Section 24. If an officer other than one employed directly by the enforcement division of the Department of Agriculture seizes and impounds a dog, or destroys a dog, as set forth in sub-section (2) of Section 23 of this Act, then such officer shall be remunerated in accordance with a schedule of fees to be determined by the Department of Agriculture, subject to concurrence of the Joint Committee. All expenses incurred under this or the preceding section and not otherwise provided for shall be paid by the Agriculture Department from the Livestock Fund.

Section 25.

(1) It shall be unlawful for any police or peace officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the Agriculture Commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 26.

(1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There will be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog

while it is in the field of inclosure, without liability or responsibility of any nature for such killing.

(3) Sub-section (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding, or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a Justice of the Peace, or Judge of any Police of Quarterly Court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the same laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein, if such person shall fail to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the Court shall find the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the Judge of Justice of the Peace and the police officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the cost upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any police officer without liability for damages for such killings.

Section 27.

(1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 26 of this Act, it is unlawful for any person, except a police officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog button or any poison of any description in any place, on his own premises or elsewhere where it may be easily found and eaten by dogs.

Section 28. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 29.

(1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dogs.

(a) confined within an inclosure from which it cannot escape, or

(b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or

(c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler. Under this section, a hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and if such a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, then such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

(2) Any police officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler. Under this subsection, however, a police officer shall be under a duty to make a fair and reasonable effort to determine whether any dog found at large between sunset and sunrise is a hound or other hunting dog which has become lost temporarily from a pack or

wandered from immediate control of its owner or handler, and if he is reasonably sure of the dog to be such a hunting dog then the police officer shall not destroy the dog, unless such dog is found in the act of pursuing, worrying, or wounding livestock or wounding, killing poultry or attacking human beings.

Section 30.

(1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the Agriculture Department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how much damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the Agriculture Department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner or the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizens to assist in determining the amount of damages sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at seven cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 31.

(1) Upon receipt by the Agriculture Department of the appraisal report, the Agriculture Commissioner, if he approves the report, shall certify the amount thereof, together with the cost of the proceeding, to the Department of Finance which draws a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the Commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The state shall succeed to all rights and interests of the owner of livestock or poultry which have been killed or injured by dogs to the extent of any payment made by the State out of the Livestock Fund.

Section 32.

(1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claiment.

(2) When any payment is made by the State for any livestock or poultry killed or injured by a dog, such payment shall not exceed $100.00 for each horse or mule; $125.00 for each head of registered cattle; $100.00 for each head of unregistered cattle; $20.00 for each head of unregistered swine, sheep, or goats; $40.00 for each head of registered swine, sheep, or goats; $3.00 for each full-grown goose; $5.00 for each full-grown turkey; and $1.00 for each head of other poultry, or domesticated hare or rabbit. All appraisals under this Act shall be the actual value of the livestock, including poultry, killed or injured.

Section 33. Owners of licensed dogs which are killed by any police officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceeding for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by section 30 and 31 of this Act, except that no claim shall exceed $100.00.

Section 34.

(1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have been accrued under the provisions of Chapter 258 of the Kentucky Revised Statutes, and any such claims which may accrue prior to July 1, 1954, shall not abate by reason of the repeal of such Act, but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available funds, of the proper counties, and for such purpose the provisions of said Act are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1955, shall be paid from the Livestock Fund to the extent of available funds as determined by the Committee and in the order of their presentation; provided, however, that no such claims presented after December 31, 1956, shall be so paid.

Section 35.

(1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if writtn complaint is filed with the Commissioner of Agriculture by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Agriculture Department, the Agriculture Commissioner may notify the owner or keeper of such dog to immediately destroy the same, whereupon it shall be unlawful and a violation of this Act for such owner, or keeper to permit or cause such dog, while alive, to leave or to be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any police officer, upon notice from the Agriculture Department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog destroyed, to be paid out of the Livestock Fund upon presentation to the Agriculture Department of staisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog

shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 36. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 37.

(1) When the inhabitants of any city, or county, or any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the Agriculture Commissioner, signed by twenty or more of such inhabitants who are owners of Livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the Agriculture Department may, through its authorized agents, have an investigation made of the fact alleged therein, and if convinced that conditions in such city, county, or such designated area demand such stringent measures, may establish a dog quarantine therein.

(2) When such a quarantine is established, at least ten notices therein shall be posted throughout the area affected thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or handler.

(4) Any police officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 38. Notwithstanding any of the terms or provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act ex-

cept as to such claims arising after June 30, 1955, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to, or damage of livestock, poultry, or licensed dog must happen or occur after June 30, 1955.

Section 39.

(1) On July 1, 1955, or as much in advance of that date as the Board of Agriculture, acting with concurrence of the Committee, shall determine that it is reasonable and practical to do so, arrangements shall be made for the establishment of and/or maintenance of a dog pound and the employment of a Dog Warden in each county of the state, as a means of facilitating the administration of control measures of this Act; provided, however, that in counties of small population arrangements may be made for the joint establishment and/or operation of dog pounds by two or more counties on a mutually satisfactory basis, and provided, also that instead of setting up pounds, one or more counties acting jointly may take advantage of the facilities of suitable pounds already in operation by counties, municipalities, humane societies, or other organizations or individuals. The setting up of pounds and/or arranging for pound facilities, and the employment of Dog Wardens shall be within the jurisdiction of the fiscal courts of the respective counties, acting with concurrence of the Committee, and under such authority the fiscal courts shall be empowered to adopt and enforce regulations relative to pound standards, the naming of person or persons who shall serve as Dog Wardens, providing for the fixing of salaries of Wardens and assistants, and such other matters that may be incidental to efficient and proper operation of the dog pound plan. In exercising such authority, the fiscal courts of the counties shall be under a duty to make such arrangements and appointments at such time or times as the Board of Agriculture, acting with concurrence of the Committee, shall deem reasonable and proper to determine that such requirements under this Act shall be put into effect.

(2) As a means of providing a portion of the funds for setting up and/or operation of dog pounds, seventy-five cents out of the $2.00 paid for every dog license sold in each county shall

be credited by the Department of Agriculture to a special enforcement fund to be refunded to the respective counties on a pro-rata basis determined by the licenses sold in each county, and shall be used in meeting expenses of the Dog Warden and the dog pound plan. It is further provided that, insofar as consistent with existing obligations of the state, the Dog Wardens shall replace the sheriffs as agents charged with the duty to sell dog licenses in the respective counties, and each such Dog Warden shall be entitled to retain 25c from the amount collected for each dog license sold by him or his assistants; provided however, that nothing in this Act shall prevent the fiscal courts from appointing deputy sheriffs as Dog Wardens in counties where such appointments are determined by the Department of Agriculture, acting with concurrence of the Committee, to be in the best interest of enforcement provisions of this Act, and provided further that Dog Wardens may be designated as agents of this Department of Agriculture for purposes of appraising livestock losses as set out in Section 30 of this Act.

Section 40. Nothing in this Act shall be construed to prohibit or limit the right of any municipality to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the terms and provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the state Board of Health, or any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations made in accordance with the provisions of any local or state health law.

Section 41.

(1) Except as provided by Section 9 of this Act, any person violating or failing or refusing to comply with any of the provisions of this Act shall, upon conviction, be fined not less than $5.00 nor more than $100.00 or be imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under sub-section (1) of this Sec-

tion shall, after costs and commissions have been deducted, be paid to the Agriculture Department to be converted to the State Treasury and credited to the Livestock Fund.

Section 42. Except as provided in Section 35 of this Act, Chapter 258 of the Kentucky Revised Statutes hereby is repealed in its entirety.

Section 43. The Livestock Fund shall constitute a revolving fund and any balance remaining in said fund at the end of any fiscal year shall be carried over the next succeeding year and no part thereof shall revert to the General Fund, except that on the first day of January, 1957, and on the fist day of January of any year thereafter any unencumbered sum in the excess of $200,000 standing to the credit of the Livestock Fund shall revert to the General Fund.

Section 44. The provisions of this Act shall be severable, and, if any of its provisions shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of the Act. It is hereby declared as a legislative intent that this Act would have been adopted had such unconstitutional provisions not been included therein.

With Committee Substitute attached thereto as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in Sections 1 to 11 of this Act, unless the context requires otherwise:

(1) "Dog" means any member of the canine family, six months of age or over;

(2) "Owner", when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(3) "Veterinarian" means a licensed practitioner of veterinary medicine, accredited by the Bureau of Animal Industry, United States Department of Agriculture;

(4) "Qualified person" means a person granted a permit by the State Board of Health to vaccinate animals against rabies; and may include owners or operators of licensed kennels;

(5) "Vaccination" means the injection by a veterinarian or other qualified person of vaccine approved by, and administered in accordance with the regulations of the State Board of Health.

Section 2. On or before the first of July 1954 and of each year thereafter, every owner shall have his dog vaccinated against rabies. The veterinarian or qualified person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the State Department of Health. The vaccination certificate shall be prepared and issued in triplicate, one copy to be retained by the issuing veterinarian or other qualified person, one copy to be given to the owner of the dog vaccinated, and one copy to be forwarded by the veterinarian or qualified person to the local health department, or, if none is maintained, to the State Department of Health. Each certificate shall bear the name and address of the veterinarian or qualified person who issued it and a serial number. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. The tag may bear the name of the veterinarian or qualified person issuing it. It shall be affixed by the owner to a collar or harness furnished by him and shall be worn by the dog for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the dog.

Section 3. The State Board of Health, in its sound discretion, may by such rules and regulations as it deems advisable:

(1) Exempt from the provisions of Section 2 of this Act the owners of dogs in any county or counties in which the incidence of rabies decreases sufficiently to warrant this action;

(2) Extend the period required for re-vaccination if a vaccine is developed which will give longer periods of immunity;

(3) Exempt from the provisions of Section 2 of this Act the owners of dogs which are brought into this state for a period not to exceed thirty days.

Section 4. Any owner who has had his dog vaccinated against rabies in another state by the proper authority therein shall not be required to have such dog re-vaccinated when brought into this state provided the requirements of such state under which the vaccination was made were of a standard not lower than those required in this state and provided further that such dog wears a tag affixed to his collar or harness bearing the date of such vaccination. One year after the date of such vaccination such dog must be re-vaccinated unless provided otherwise by the rules and regulations of the State Board of Health. The State Board of Health may make rules and regulations governing the matter of reciprocity with other states.

Section 5. The State Department of Health may contract with veterinarians to vaccinate dogs or animals at scheduled mass immunization clinics at fees not in excess of two dollars per animal vaccinated, to be paid by the owner to the State Department of Health; provided, however, that if the services of veterinarians are not available the State Department of Health may contract with other qualified persons. Fees so collected shall be paid into the State Treasury and credited to a trust and agency fund to be used in defraying the costs and expenses of administering this Act.

Section 6. Whenever a local board of health has reason to believe or has been notified by the State Department of Health that there is danger that rabies may spread within the county or any portion thereof, the board shall publish a notice requiring owners of dogs, or other specified animals in the area designated to confine the animals for such periods as may be necessary to prevent the spread of rabies. If it is deemed advisable in the interest of public health the local board of health shall order all dogs in the area re-vaccinated against rabies and if the local board fails or neglects to do so, the State Department of Health may order the re-vaccination of all dogs or other animals in the area except animals that have been previously vaccinated within the past six months under the provisions of this Act. The State Department of Health may aid the local health department in the execution of such emergency vaccinations.

Section 7. Every physician shall, within twelve hours after

his first professional attendance of a person bitten by a dog, cat or other animal, report to the local health department the name, age, sex, color, and precise location of the person so bitten. If a child is bitten and no physician attends, the report shall be made by his parents or guardian. If an adult is bitten and no physician attends, he or the person caring for him shall make the report.

Section 8. The State Board of Health may administer the provisions of this Act through the local health departments and may make such rules and regulations and employ such personnel as are necessary to effectuate the purposes of this Act.

Section 9. A health officer or his agent shall have the authority to quarantine for a period not to exceed ninety days any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed fourteen days any animal which has bitten a human being or which exhibits symptoms of rabies. An animal so quarantined may be confined by the health officer at a designated place at the owner's expense. Whenever a dog dies with rabies or is suspected of having died with rabies or is destroyed because of having been suspected of being rabid, the owner thereof, whether the dog had been previously quarantined or not, shall at his own expense send the head of such dog to a laboratory approved by the State Board of Health in the manner prescribed by the rules and regulations of the State Board of Health.

Section 10. There is hereby appropriated to the State Department of Health, out of the General Expenditure Fund in the State Treasury, the sum of thirty thousand dollars to be credited to a trust and agency fund for the purpose of carrying out the provisions of this Act.

Section 11. (1) Any person who violates Sections 2, 4, 6, 7 or 9 of this Act shall be fined not less than ten dollars nor more than one hundred dollars. Each day of violation shall constitute a separate offense.

(2) The owner of any dog not vaccinated according to the provisions of this Act shall be liable to pay all damages for personal injuries resulting from the bite of such dog, if rabid.

Section 12. As used in Sections 12 to 41 of this Act, unless the context requires otherwise:

(1) "Department" means the Department of Agriculture, Labor and Statistics;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Committee" means the advisory committee created by Section 14 of this Act;

(4) "Dog" means any member of the canine family, six months of age or over;

(5) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(6) "Livestock" includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits;

(7) "Poultry" includes all domesticated fowl and all game birds which are legally kept in captivity;

(8) "Kennel" means any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom;

(9) "Livestock fund" means the fund created by Section 15 of this Act for the purpose of administering its provisions.

Section 13. (1) The commissioner shall enforce the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. The commissioner may enter into agreements with local agencies and organizations for assistance in the enforcement of this Act. The commissioner shall promulgate rules and regulations for the enforcement of the licensing provisions of this Act.

(2) The department may employ personnel to carry out

the provisions of this Act. Such employes shall have all of the powers of peace officers in the enforcement of Sections 12 to 41 of this Act and may, upon displaying a badge of identification furnished by the Department, enter upon any premises for the purpose of investigation.

Section 14. There shall be an advisory committee for the purpose of advising the commissioner in the enforcement of the provisions of Sections 12 to 41 of this Act. The committee shall be composed of the commissioner, or his designate, and five members appointed by the Governor as follows: one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association, one from a list of three persons nominated by Kennel Clubs of Kentucky and one from a list of three persons nominated by the Kentucky Veterinary Medical Association. If an organization herein named should cease to exist, or, for any other reason fail to make nominations, the Governor shall name another non-governmental but interested organization to nominate three persons. The appointed members shall serve for terms of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and place as he may designate. Four members present at any meeting shall constitute a quorum. Upon the written request of any three members, the chairman shall call a meeting of the committee at the time and place requested. Members who are not employed by the state shall receive fifteen dollars per day, payable from the livestock fund, for attendance at meetings and shall be reimbursed for any actual expense incurred in performing their duties. The committee shall be nonpartisan, not more than three of the appointed members being affiliated with any one political party.

Section 15. There is hereby created a revolving fund to be known as the Livestock Fund from which shall be paid all expenses of the department in administering the provisions of Sections 12 to 41 of this Act. Expenditures from the fund shall not exceed two hundred thousand dollars in any fiscal year without the approval of the committee. On January 1, 1957, and on January 1 of each year thereafter, all money in the Livestock

Fund in excess of two hundred thousand dollars shall revert to the General Expenditure Fund.

Section 16. On or before July 1, 1954, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the dog warden of the county in which he resides for a license for each such dog owned or kept by him. The application shall be accompanied by a license fee of two dollars for each dog. Any license issued for the year of 1954 before July 1, 1954, shall be effective until July 1, 1955. Dog wardens shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless the department determines, with the approval of the Governor, to issue all licenses either directly or through other agents. For services rendered in collecting and paying over the same, dog wardens shall be allowed to retain the sum of twenty-five cents for each license. The balance of the license fee collected shall be paid to the department on or before the 15th day of each next succeeding month and shall be credited to the Livestock Fund. If the committee finds it to be in the interest of maximum enforcement of this Act to permit certain other portions of the license fee to be retained by the respective counties for use in such enforcement, the department may allow such portions of the license fee to be so retained by the counties.

Section 17. (1) A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the department and shall be void on July 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost a duplicate shall be issued at a charge determined by the department. The department may, if the committee deems such a plan practical, arrange for the tattooing of dogs under a system whereby tattoo marks shall serve as proof of licensing in the event a tag is lost or is removed for good reason by a dog owner or keeper, but such tattooing shall be done only upon the request of the owner or keeper.

(2) The tag shall be affixed to a substantial collar furnished

by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(3) No license or tag issued for one dog shall be transferable to another dog except as provided in Section 19 of this Act.

(4) Except when a tattoo is used, any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 18. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and the owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 19. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 15 of this Act, apply to the dog warden for a kennel license entitling him to keep or operate a kennel. Such application shall be accompanied by a license fee of ten dollars for each license to keep ten dogs or less and fifteen dollars for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the department, and credited to the Livestock Fund in the same manner as the regular dog license fees.

(2) A kennel license shall be issued on a form prescribed and supplied by the department.

(3) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the department equal to the number of dogs authorized to be kept in the kennel.

(4) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 20. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside

the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this section shall be considered as if never licensed.

Section 21. Each dog warden shall keep a record of all dog and kennel licenses issued and shall report to the department monthly his license sales on a form prescribed and supplied by the department. The record maintained shall be a public record.

Section 22. (1) On or before July 1, 1955, the fiscal court of each county shall establish and maintain a dog pound and shall employ a dog warden as a means of facilitating the administration of this Act. In counties of small population, arrangements may be made for the joint establishment and operation of dog pounds by two or more counties on a mutually satisfactory basis. Instead of setting up pounds, one or more counties acting jointly may take advantage of the facilities of suitable pounds already in operation by counties, cities, humane societies, or other organizations or individuals. Fiscal courts may adopt and enforce regulations relative to pound standards, the naming of persons who shall serve as dog wardens, providing for the fixing of salaries of wardens and assistants, and such other matters that may be incidental to efficient and proper operation of the dog pound plan.

(2) As a means of providing a portion of the funds for setting up and operating dog pounds, seventy-five cents out of the two dollars paid for every dog license sold in each county shall be credited by the department to a special enforcement fund to be refunded to the respective counties on a pro-rata basis determined by the licenses sold in each county, and shall be used in meeting expenses of the dog warden and the dog pound plan.

(3) Dog wardens may be designated as agents of the department for purposes of appraising livestock losses pursuant to Section 30 of this Act.

Section 23. (1) Any person may bring, or cause to be brought into the state, for a period of not more than ninety days, one or more dogs for show, trial, or breeding purposes without

securing a license, and any person holding a Kentucky non-resident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the states of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 24. (1) Any peace officer may seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of a person other than the owner of such dog, and unaccompanied by the owner or keeper. Any peace officer may go upon any premises to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such officer is in any immediate pursuit of any such dog. The officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within seven days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after seven days from the giving of such notice, the dog has not been claimed, the officer shall dispose of such dog by sale or by destruction in some humane manner. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the department and credited to the Livestock Fund.

(2) Peace officers shall seize and impound any dog which does not bear a proper license tag or other legible identification which is found running at large, but if an officer, after diligent

effort to do so, should fail to seize such a dog, it shall then become his duty to destroy the dog by any reasonable and humane means. Any such dog which an officer seizes shall be impounded for three days, and if not claimed by the owner or sold in accordance with other provisions of this Act, then such dog may be destroyed in some humane manner.

Section 25. (1) It shall be unlawful for any peace officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 26. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature for such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding, or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a justice of the peace, or judge of any police or quarterly court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person fails to appear at the time fixed, or if upon a hearing of the parties and

their witnesses, the court finds the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the peace officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the costs upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any peace officer without liability for damages for such killings.

Section 27. (1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 26 of this Act, it shall be unlawful for any person, except a peace officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog button or any poison of any description in any place, on his own premises or elsewhere where it may be easily found and eaten by dogs.

Section 28. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 29. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog:

(a) Confined within an enclosure from which it cannot escape, or

(b) Firmly secured by means of a collar and chain or other

device so that it cannot stray beyond the premises on which it is secured, or

(c) Under the reasonable control of some person or, when engaged in lawful hunting accompanied by an owner or handler. A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if such a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

(2) Any peace officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler. However, a peace officer shall be under a duty to make a fair and reasonable effort to determine whether any dog found at large between sunset and sunrise is a hound or other hunting dog which has become lost temporily from a pack or wandered from immediate control of its owner, or handler, and if he is reasonably sure that the dog is a hunting dog, then he shall not destroy the dog, unless it is found in the act of pursuing, worrying, or wounding livestock or wounding, killing poultry or attacking human beings.

Section 30. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly author-

ized agent of the department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how much damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damages sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at seven cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 31. (1) Upon receipt by the department of the appraisal report, the commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceeding, to the Commissioner of Finance who shall draw a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The Commonwealth shall succeed to all rights and interests of the owner of livestock or poultry which have been killed or injured by dogs to the extent of any payment made out of the Livestock Fund.

Section 32. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the Commonwealth for any livestock or poultry killed or injured by a dog, such payment

shall not exceed one hundred dollars for each horse or mule; one hundred and twenty-five dollars for each head of registered cattle; one hundred dollars for each head of unregistered cattle; twenty dollars for each head of unregistered cattle; twenty dollars for each head of unregistered swine, sheep, or goats; forty dollars for each head of registered swine, sheep, or goats; three dollars for each full-grown goose; five dollars for each full-grown turkey; and one dollar for each head of other poultry or domesticated hare or rabbit. All appraisals under this Act shall be of the actual value of the livestock, including poultry, killed or injured.

Section 33. Owners of licensed dogs which are killed by any peace officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceeding for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Section 30 and 31 of this Act, except that no claim shall exceed one hundred dollars.

Section 34. (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of KRS 258.010 to 258.490 and KRS 258.990, and any such claims which may accrue prior to July 1, 1954, shall not abate by reason of the repeal of such sections but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available funds, of the proper counties, and for such purpose the provisions of said sections are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1955, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order of their presentation; provided, however, that no such claims presented after December 31, 1956, shall be so paid.

Section 35. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown

or if written complaint is filed with the commissioner by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the department, the commissioner may notify the owner or keeper of such dog to immediately destroy the same, whereupon it shall be unlawful and a violation of this Act for such owner, or keeper to permit or cause such dog, while alive, to leave or to be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any peace officer, upon notice from the department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog destroyed, to be paid out of the Livestock Fund upon presentation to the department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 36. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 37. (1) When the inhabitants of any city, or county, or any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the department may, through its authorized agents, have an investigation made of the facts alleged therein, and, if convinced that conditions in such city, county, or such designated area demand such stringent measures, may establish a dog quarantine therein.

(2) When such a quarantine is established, at least ten notices thereof shall be posted throughout the area affected

thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or handler.

(4) Any peace officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 38. Notwithstanding any of the provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1955, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to or damage of livestock, poultry, or licensed dog must happen or occur after June 30, 1955.

Section 39. Nothing in this Act shall be construed to prohibit or limit the right of any city to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations, made in accordance with the provisions of any local or state health law.

Section 40. (1) Any person violating or failing or refusing to comply with Sections 12 to 41 of this Act shall, upon conviction, be fined not less than five dollars and not more than one hundred dollars or be imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under subsection (1) of this section shall after costs and commissions have been deducted, be paid to the department to be credited to the Livestock Fund.

Section 41. Sections 258.010 to 258.490 and subsections (1) to (4) of Section 258.990 are hereby repealed.

Mr. Jones moved the adoption of the Committee Substitute.

Said motion was agreed to by voice vote.

Said Committee Substitute was adopted.

Mr. Jones offered the following amendment and moved its adoption.

Amendment No. 1—On page 3, section 5, line 3 of the Committee Substitute for H. B. No. 139 By striking out the words "two dollars" and adding the words "one dollar and fifty cents", in lieu thereof.

Said motion was agreed to.

Said amendment adopted.

Mr. Jones offered the following amendment and moved its adoption.

Amendment No. 2—On page 7, section 14, line 4 of the Committee Substitute, for H. B. No. 139 By striking out the word "five" and adding the word "four" in lieu thereof.

Said motion was agreed to.

Said amendment adopted.

Mr. Jones offered the following amendment and moved its adoption.

Amendment No. 3—On page 8, section 16, lines 5 and 6 of the Committee Substitute for H. B. No. 139, By striking out the words "two dollars" and adding the words "one dollar and fifty cents" in lieu thereof.

Said motion was agreed to.

Said amendment adopted.

Mr. Jones offered the following amendment and moved its adoption.

Amendment No. 4—On page 11, section 22, subsection (1) of the Committee Substitute for H. B. No. 139 lines 1 to 4. By striking that part of subsection (1) of Section 22 which begins with the word "On" on line 1 and ends with the word "Act." on Line 4 and substituting in lieu thereof the following:

Section 22. (1) On or before July 1, 1954 the fiscal court of each county shall employ a dog warden. On or before July 1, 1955 the fiscal court of each county shall establish and maintain a dog pound as a means of facilitating the administration of this Act.

Said motion was agreed to.

Said amendment adopted.

Mr. Jones offered the following amendment and moved its adoption.

Amendment No. 5—On page 11, Section 22, subsection (2) line 17 of the Committee Substitute for H. B. No. 139. By striking out the words "seventy-five cents" and adding the words "fifty cents" in lieu thereof.

Said motion was agreed to.

Said amendment adopted.

Mr. Jones offered the following amendment and moved its adoption.

Amendment No. 6—On page 12, section 22, subsection (2) line 18 of the Committee Substitute for H. B. No. 139. By striking out the words "two dollars" and adding the words "one dollar and fifty cents" in lieu thereof.

Said motion was agreed to.

Said amendment adopted.

Mr. Jones offered the following amendment and moved its adoption.

Amendment No. 7—On page 19, section 32, subsection (2)

line 11, of Committee Substitute for H. B. No. 139 By striking out the words "twenty dollars for each head of unregistered cattle".

Said motion was agreed to.

Said amendment adopted.

Mr. Jones moved the Previous Question on the Committee Substitute as amended.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Taylor moved that debate on the bill be extended ten minutes.

Said motion was agreed to.

Mr. Smith moved that H. B. No. 139 be laid on the table.

Mr. Harris and Mr. Smith having requested roll call on said motion, the yeas and nays were taken as follows:

Those who voted in the affirmative were—

Wallace Bartley	Caleb McFadden	LeRoy Saylor
Paul Cobb	William C. Mann	W. R. Smith
John L. Day	William J. Marcum	E. H. Stumbo
O. O. Duncan	Carl D. Melton	James Treadway
Harold G. Helm	Alton B. Mitchell	Warren D. Williams
Varna Holt	Hobart Rayburn	Dr. Clyde D. Wooton
James W. Lambert		—19

Those who voted in the negative were—

Rev. Felix S. Anderson	Leo A. Bleemel	Charles W. Craig
Walter J. Bailey	J. C. Bradley	W. Marvin Davis
John Rhea Banton	Edward T. Breathitt, Jr.	Albert Dempsey
Clarence J. Barnum	Edward O. Bridgers	C. E. Dowell
Charles E. Baumgardner, Sr.	Harry M. Caudill	Harold Edmonds
Owen Billington	Cassius M. Clay	Herbert Fern
	William J. Conley	Thomas P. Fitzpatrick

Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
W. W. Webster
Morris Weintraub
T. D. Winstead
Walker H. Wiseman
Paul E. Young

—60

The result of the roll call being 19 yeas and 60 nays, said motion was disagreed to.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
C. E. Dowell
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson

George F. Harris
Henry R. Heyburn
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

—55

Those who voted in the negative were—

Walter J. Bailey
Wallace Bartley
Owen Billington
J. Murray Blue
Harry M. Caudill
Vernor O. Cottengim
Charles W. Craig
John L. Day
Albert Dempsey
O. O. Duncan
Harold G. Helm
Lon C. Hill
Estill R. Hilton
Varna Holt
Talmage Lacy
James W. Lambert
Harry King Lowman
Caleb McFadden
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Thomas J. Murphy
Goebel W. Newsom, Jr.
Roger E. Qualls
Hobart Rayburn
LeRoy Saylor
W. R. Smith
E. H. Stumbo
C. Waitman Taylor
James Treadway
William B. Wells
Dr. Clyde D. Wooton

—34

Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 239. AN ACT relating to local public health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 212.170 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) The county board of health of each county having a county department of health shall, subject to the approval of the State Department of Health, appoint a health officer having the qualifications provided in KRS 212.180, who shall hold office at the pleasure of both the county board and the State Department of Health.

(b) If there are no qualified applicants for the position of health officer, the county board shall, with the approval of the State Department of Health, appoint a health administrator having the qualifications provided in KRS 212.180, who shall hold office at the pleasure of both the county board and the State Department of Health. A health administrator shall have all the authority, duties and responsibilities reposed by law in a health officer except those duties and responsibilities that only a licensed physician is authorized by law to perform.

(c) A health officer or health administrator may appoint one or more depnties and revoke their appointments at his pleasure. A deputy health officer or deputy health administrator shall exercise such duties as may be delegated to him by the health officer or health administrator. Any duty enjoined by law upon a health officer or health administrator may be delegated to and performed by his lawful deputy except those duties and responsibilities that only a licensed physician is authorized by law to perform. Each deputy health officer and each deputy health administrator shall possess such education, training and experience, and other qualifications as may be prescribed by the State Department of Health and need not be a physician.

Section 2. Subsection (3) of Section 212.190 of the Kentucky Revised Statutes is amended to read as follows:

(3) The health officer of counties having a county department of health shall receive a salary to be fixed by the county board of health subject to the approval of the State Department of Health. He shall receive necessary traveling expenses.

Section 3. Section 212.230 of the Kentucky Revised Statutes is amended to read as follows:

Each county board of health shall constitute a body corporate and may:

(1) Sue and be sued in its corporate name;

(2) Employ and fix the compensation of, by contract or otherwise, subject to the approval of the State Department of Health, all medical, technical, clerical, professional and other employes necessary for the maintenance and operation of the county department of health in accordance with standards prescribed by the State Board of Health;

(3) Utilize available services, facilities, equipment and personnel of the State Department of Health or of the United States Public Health Service upon such terms of payment or reimbursement as are agreed on by the board and the State Department of Health or the United States Public Health Service;

(4) Contract for services not otherwise available;

(5) Provide for the public health training and instruction of employes and compensate and defray the reasonable expenses of said employes while they are pursuing public health training courses approved by the State Department of Health;

(6) Establish or contribute to a retirement system or fund for employes of the county department of health;

(7) Go upon and inspect any premises that it believes are in unclean or infectious condition, and fix and determine the location of an eruptive hospital for the county, sufficiently remote from human habitation and public highways as in its judgment is safe;

(8) Adopt all needful rules and regulations, not in conflict with the rules and regulations of the State Board of Health, to implement and carry out all public health laws of the state except as otherwise provided by law.

(9) Perform other functions necessary to carry out the provisions of law relating to county boards of health.

Section 4. (1) County boards of health shall:

(a) Supervise the work of the county health officer or county health administrator;

(b) Report to the State Department of Health, at least once every three months, on the character of infectious, epidemic and communicable diseases prevailing in the county, the number afflicted, the action taken by the board in arresting the progress of such epidemics, and the visible effects of such actions. The boards shall make such other reports as they deem expedient or when required by the State Department of Health;

(c) Issue and require the heads of families and other persons to execute such orders as the board considers expedient to prevent the outbreak and spread of communicable diseases, and to this end bring the infected population under prompt and proper treatment during premonitory or other stages of the disease;

(d) Review any ruling, decision, order or action of the county health officers or health administrators, deputies or employees provided the aggrieved party makes written request therefor within thirty days after the decision, order or action complained of is made;

(e) Enforce, in its own name or acting by and through the county health officer or county health administrator of their deputies in the county and in all cities and towns situated therein, except as otherwise provided by law, all public health laws of the Commonwealth of Kentucky and all of the rules and regulations of the State Board of Health issued thereunder, and also all of its own rules and regulations that are not in conflict with the rules and regulations of the State Board of Health. The county board of health, department of health, health officer, or health administrator, or any of them, is empowered to issue written orders directed to the owner or occupant of any property, or to any person, firm or corporation whatever, commanding, within the time and manner specified in the order, compliance with applicable public health laws of this state, except as otherwise provided by law, and all regulations of the State Board of Health or any county board of health. Notwithstanding the provisions of this section and of KRS 212.210, any board, department, health

officer or health administrator may institute and maintain mandatory or prohibitory injunction proceedings in the appropriate circuit courts of this state to abate nuisances that are or may be a menace to the health of the people of the state or community, and to compel compliance with the public health laws of this state and the regulations of the State Board of Health and local boards of health and the orders described in this section or in KRS 212.210.

(2) No person shall fail or refuse to observe or obey a written directive of the state or county board of health after receiving written notice thereof.

Section 5. Section 212.660 of the Kentucky Revised Statutes is amended to read as follows:

The city-county board of health shall appoint a health officer or health administrator and employ other persons necessary for the work of the city-county health department in the same manner and subject to the conditions applicable to county health officers, county health administrators and county health employes.

Section 6. Subsection (2) of Section 212.990 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any person who violates subsection (2) of section 4 of this Act shall be fined not less than ten dollars nor more than one hundred dollars for each day the violation continues.

Section 7. Section 212.200 of the Kentucky Revised Statutes is repealed.

Section 8. This Act shall become effective July 1, 1954.

Mr. Horn moved that H. B. No. 239 be laid on the Clerk's desk, subject to call at any time.

Said motion was agreed to by voice vote.

Said bill was ordered laid on the Clerk's desk.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in that body as follows, viz:

S. B. No. 62. AN ACT relating to condemnation, purchase, financing and operation of waterworks by water districts or cities of second, third, fourth, fifth or sixth classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Kentucky Revised Statutes is hereby created to read as follows:

Any Water District created pursuant to Chapter 74 of the Kentucky Revised Statutes or any city of the second, third, fourth, fifth or sixth class may, by purchase or by condemnation, acquire, establish, erect, maintain and operate waterworks, together with extensions and necessary appurtenances thereto, and including both real or personal property within or without the corporate limits of the said Water District or City, for the purpose of supplying the Water District or the City and its inhabitants thereof with water.

Section 2. A sewerage system may be acquired with a water system and joined in one project with the water system for the purpose of original financing.

Section 3. This Act shall not affect the provisions of any other Acts providing any alternate plan for the acquisition and operation of water systems.

Section 4. The Water District Commissioners of Water Districts or the legislative body of any of the aforesaid cities may agree with the owner or owners as to the value of said waterworks and purchase it at such value.

Section 5. For the purpose of defraying the cost of acquiring by condemnation, purchase or construction any such waterworks, including real and personal property of same and appurtenances or extensions thereto, the Water District or the City may borrow money and issue negotiable bonds, but only after a resolution has been adopted by the Water District Commissioners or an ordinance has been adopted by the legislative body of the said city specifying the proposed undertaking,

the amount of bonds to be issued and the maximum rate of interest the bonds are to bear.

Section 6. Bonds may be issued bearing interest at a rate not exceeding six percent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times not exceeding forty years from the date thereof and at such place or places as the water district commissioners or the city legislative body determines.

Section 7. Bonds issued pursuant to this Act shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the Water District Commissioners or the city legislative body deems for the best interest of the Water District or City, or any contract for the purchase or acquisition of any waterworks may provide that payment shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six percent. The bonds shall be payable solely from the revenue funds derived from the waterworks and shall not constitute an indebtedness of the city within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it does not constitute an indebtedness of the city within the meaning of the Constitution.

Section 8. All moneys received from the bonds shall be applied solely for the purchase by agreement or condemnation or establishment or erection of the waterworks and extensions and appurtenances thereto, or to advance the payment of the interest on the bonds during the first three years following the date of the bonds. A statutory mortgage lien shall exist upon the waterworks and appurtenances and extensions so acquired in favor of the holders of the bonds and coupons.

Section 9. The waterworks so acquired, together with the extensions and appurtenances, shall remain subject to the statutory lien until the payment in full of the principal and interest of the bonds. Any holder of the bonds or coupons may, by

action at law or in equity, protect and enforce the lien and enforce and compel performance of all duties required by this Act, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

Section 10. If there is any default in the payment of the principal and interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the waterworks on behalf of the Water District or city, with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against the waterworks and for the payment of the operating expenses, and to apply the income and revenue in conformity with the provisions of this Act and in conformity with the resolution adopted by the Water District Commissioners or the ordinance adopted by the city legislative body as hereinbefore set out.

Section 11. At or before the issuance of the bonds the Water District Commissioners shall, by resolution, or the city legislative body shall, by ordinance, set aside and pledge the income and revenue of the waterworks into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. The resolution or ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of the income and revenues to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance of the waterworks. The rates to be charged for service from the waterworks shall be fixed and revised from time to time so as to be sufficient to provide for payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the waterworks and an adequate depreciation account.

Section 12. If a surplus is accumulated in the operating and maintenance funds equal to the cost of maintaining and operating the waterworks during the remainder of the calendar, operating or fiscal year and during the succeeding like year,

any excess over such amount may be transferred at any time by the Water District Commissioners or city legislative body to the depreciation account, to be used for improvements, extensions or additions to the waterworks.

Section 13. The funds accumulating to the depreciation account shall be expended in balancing depreciation in the waterworks or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the Water District Commissioners or city legislative body may designate and if invested the income from such investments shall be carried into the depreciation account.

Section 14. The reasonable cost and value of any service rendered to the city by the waterworks may be charged against the city and shall be paid for monthly as the service accrues from the current funds or proceeds of taxes which the city shall levy in an amount sufficient for that purpose. The funds so paid shall be accounted for in the same manner as other revenues of the waterworks.

Section 15. The Water District or city may issue new bonds to provide funds for the payment of any outstanding bonds, in accordance with the procedure prescribed by this Act. The new bonds shall be secured to the same extent and shall have the same source of payment as the bonds refunded.

Section 16. If the Water District Commissioners or city legislative body finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued in the same manner.

Section 17. Any Water District or city acquiring any waterworks pursuant to the provisions of this act may, at the time of issuing the bonds for such acquisition, provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as proceeds for that purpose may be necessary, or the Water District or city may, at any time, provide for the extension, addition or improvement of the waterworks by an additional issue of bonds. Bonds placed in escrow shall, when negotiated, have equal standing with the bonds of the same issue.

Section 18. The Water District Commissioners of a water district may provide by resolution or the city legislative body may provide by ordinance such provisions and stipulations for the administration of the income and revenues of the waterworks and for the security of the bondholders as it deems necessary.

Section 19. The resolutions or ordinances required by this Act may set apart a fund equal to the amount of any secured debt or charge subject to which a waterworks is acquired, and shall set aside to that fund, from the balance of the income and revenues of the waterworks remaining after setting aside the funds for payment of principal and interest of bonds, a sum sufficient to comply with the requirements of the instrument creating the lien or securing the charge. If the instrument does not make any provision therefor, the resolution or ordinance shall fix and determine the amount that shall be set aside for interest on the secured debt or charge and a fixed amount to pay the principal thereof at maturity. Any surplus after satisfying the secured debt or charge may be used for the redemption of the principal and interest of bonds. Bonds may be issued pursuant to the provisions of this Act in exchange for or in satisfaction of such secured debt or charge, or may be sold and the proceeds applied in payment of the secured debt or charge at or before maturity.

Section 20. No city of the second, third, fourth, fifth or sixth class which owns a waterworks system shall sell, convey, rent or lease said system without the assent of two-thirds of the total number of the legal voters of the city, voting at an election held for that purpose after sixty consecutive days notice of the election next before the date of the election has been published in the newspaper having the largest circulation in the city. In the event that no newspaper is published in the city, notice shall be given by handbills posted up in at least ten public places in the city for not less than sixty days prior to the date of the election. This section shall not apply to the issuance of revenue bonds provided for under the provisions of this Act.

Section 21. Except as otherwise specifically provided in this Act the Water District Commissioners of the Water District and the legislative body of the municipalities shall exercise all

powers conferred by virtue of this Act. Any Board operating under the provisions of this Act shall have the legal power and capacity to perform any act not repugnant to law and shall have the express power and capacity to do any and all acts or things necessary or convenient for the carrying out of the purposes of this Act, including but not by way of limitation, the following express powers:

(a) Acquire, hold and dispose of property, real and personal, tangible and intangible, necessary or incident to the proper conduct of its business.

(b) Construct, acquire, own, lease, operate, maintain and improve plants or works for the production, pumping, filtration, treatment, distribution or sale of water and may provide water service to any user or consumer within and without the boundaries of said Water District or municipality and may charge and collect reasonable rates therefor.

(c) Construct, own, lease, rent, operate and control any and all works, buildings, facilities and equipment across, along, or under any street or public highway, and over any lands which are now or may be the property of the Commonwealth of Kentucky or of any county or municipality within this Commonwealth. The Water District or municipality shall, however, at its own expense, restore any such street or highway to its former condition and state as nearly as may be possible and shall not use the same in a manner as to impair its usefulness or to interfere with or obstruct the maintenance thereof. Before exercising these powers the board shall obtain a permit or consent or approval in writing from the governing authority of the municipality, or the fiscal court, or the Department of Highways having appropriate jurisdiction over any and all of such respective streets or public highways.

(d) Accept gifts, grants of property, real or personal, including money, from any person, municipality, or federal agency, or both, and to accept voluntary and uncompensated services; provided, however, that when engineering services are required by any Water District or municipality to render any services authorized or required or incident to surveys, plans, estimates of cost, or the valuation of property, or in the preparation of reports

authorized by this Act, no engineer who is engaged in whole or in part in the business of buying or selling any water works or water distribution system equipment, machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any services whatsoever under the provisions of this Act. The limitations hereinabove provided shall also apply to any firm of engineers and to any member of any firm of engineers, if the firm or member of the firm is engaged in whole or in part in the business of buying or selling any waterworks or water distribution system machinery, equipment, fixtures, materials, supplies, or the sale or purchase of bonds; and no such firm or member of such firm shall be eligible for employment or for any service whatsoever under the provisions of this Act. Provided, further, that the provisions of this Act shall not be construed to prohibit the board or the governing authority of any Water District or municipality from obtaining the advice or services of any engineer in the regular employment of the State or any Federal governmental agency.

(e) Contract debts and borrow money for the acquisition or improvement of any water plant and appurtenances thereto, issue bonds to finance such acquisition or improvement, provide for the rights of holders of the bonds and to secure the bonds as hereinafter provided, and pledge all or any of the net revenues derived from sale of water to the payment of such debts or repayment of money borrowed.

(f) Acquire, hold, and, subject to the provisions of this Act, and the applicable provisions of any bonds or contracts, dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property in connection with any water plant and appurtenances thereto and whether or not subject to mortgages, liens, charges, or other encumbrances, subject to the provisions and requirements of this Act.

(g) Make contracts and execute instruments containing such covenants, terms, and conditions as in the discretion of the board may be necessary, proper, or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from any governmental agency, including, but without limitation, covenants, terms, and conditions with respect to the acquisition or construction of any water plant and appurtenances

thereto or any improvement thereto with money in whole or in part borrowed from or granted by any governmental agency; make all other contracts and execute all other instruments as in the discretion of the board may be advisable in or for the furtherance of the acquisition, improvement, operation and maintenance of any water plant and appurtenances thereto and the furnishing of water service; and carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(h) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvements, operation or maintenance of any water plant and appurtenances thereto and the furnishing of water service.

(i) Do all acts and things necessary or convenient to carry out the powers expressly given in this Act.

(j) Make any contracts necessary or convenient for the full exercise of the powers herein granted, including, but not limited to, contracts for either the purchase or sale or both the purchase and sale of water and contracts for the acquisition or improvement of all or any part of a water plant and appurtenances thereto; and in connection with any such contract with a governmental agency, the board may stipulate and agree to such covenants, terms, and conditions as the governing body deems appropriate including, but without limitation, covenants, terms and conditions with respect to the resale rates, financial and accounting methods and the manner of disposing of the revenue of the water plant and appurtenances thereto conducted and operated by the board.

Section 22. Any water district or municipality referred to herein shall have the right to acquire by exercise of the power of eminent domain all lands, easements, rights-of-way, either upon or under or above the ground, any existing water plant or water distribution system and appurtenances thereto, or any part of same, within the boundaries or corporate limits of such water district or city, and any and all real estate, franchises or personal property reasonably necessary or desirable in connection with the construction or operation or maintenance of water

plants or water distribution systems, or improvements or extensions thereto, and the right to acquire same is hereby declared to be a superior and paramount right, superior and paramount to any other public use, and further provided that as in the eminent domain proceedings to acquire from any public or private utility a water plant or water distribution system the property condemned must include all the property owned by the utility within the corporate limits of the said water district or the city which is used or useful in connection with the business of providing water service.

The condemnation or eminent domain proceedings shall be brought in the name of the water district or in the name of the municipality, and title to the property so condemned shall be taken in the name of the water district or municipality as the case may be.

Section 23. (1) When the board of any water district or municipality authorized to acquire, construct, own or operate a water works or water distribution system and appurtenances thereto, under the provisions of this Act shall be unable to contract with the owner of any land, easements, rights-of-way, water works, water distribution systems and appurtenances thereto, or any facilities or property needed by such board for its use for the purposes thereof and desires to exercise the right of eminent domain, the board shall file in the office of the Clerk of the Circuit Court a particular description of the property sought to be condemned, and may apply to the Circuit Court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive, and thereupon said court shall appoint three impartial housekeepers of the county who are land owners, and who shall be sworn to faithfully and impartially discharge their duties under this law.

(2) It shall be the duty of said commissioners to ascertain and determine the value of the property taken, the value of real estate, tangible personal property, intangible property and franchises if any such value is found to exist shall be determined and stated separately in their report; and they shall also award damages, if any, resulting to the remainder of the water works, water distribution system and appurtenances thereto of the owner, considering the pur-

poses for which the property is taken, and the amount of said damages, if any, shall be stated separately in their report. They shall return a report, in writing, to the office of the clerk of said court, stating their award, and shall describe in their report the property condemned, give the name or names of the owners, and whether non-residents of the State, infants, of unsound mind, or married women.

(3) Upon the application of the said water district commissioners or the legislative body of the municipality herein referred to as the Board, and upon filing such affidavits as may be necessary, the clerk of said court shall issue process against the owner or owners to show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Rules of Civil Procedure in actions against them in the Circuit Court.

(4) At the first regular term of the Circuit Court, after the owners shall have been summoned the length of time prescribed by the Rules of Civil Procedure before an answer is required in Circuit Court, it shall be the duty of the court to examine said report, and if it shall appear to be in conformity to this law, and to the extent that no exceptions have been filed thereto by either party, it shall confirm said report as against the owners not excepting.

Section 24. When exceptions shall be filed by either party, the court shall forthwith cause a jury to be empaneled to try the issues of fact made by the exceptions. In assessing the damages, the jury shall be governed by the rule hereinabove prescribed governing the commissioners and their report. If sufficient cause be not shown for setting aside the verdict, the court shall render judgment in conformity thereto, and shall make such orders as may be proper for the conveyance of the title to the property condemned upon the payment of the damages assessed. Either party may appeal to the Court of Appeals as provided in the Rules of Civil Procedure.

Section 25. Any action challenging the validity of any resolution adopted by any water district commissioners of a water district or challenging the validity of any ordinance adop-

ted by the legislative body of any of the cities electing to operate under this Act, any bond resolution or ordinance, or other resolution or ordinance, shall be brought within sixty (60) days from the date on which such resolution or ordinance was adopted, as the case may be, and if such action challenging the validity of same is not brought within such time the same shall be forever barred.

Section 26. (1) Bonds issued pursuant to this Act by water district commissioners and by a legislative body of a municipality may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty (40) years from their respective dates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of repurchase or redemption of all or any of said bonds before maturity in such manner and at such price or prices, not exceeding one hundred and five and accrued interest, as may be fixed by the board prior to the sale of the bonds.

(2) The board at any time may issue and sell revenue bonds to finance improvement or issue and sell refunding bonds for the purpose of providing funds for the payment of any outstanding bonds issued in accordance with the provisions of this Act. Such new bonds shall be issued, sold and secured in accordance with the provisions of this Act for the issuance of the original revenue bonds.

(3) All revenue bonds issued pursuant to the provisions of this Act in the hands of bona fide holders, shall have all the qualities and incidents of negotiable instruments under the law merchant. All bonds shall be sold to the highest responsible bidder at such time and place as shall have been fixed by the board in the notice of the sale of said bonds, which notice shall have been advertised once each week for at least two consecutive weeks in a newspaper of general circulation in said municipality. The board shall receive written, sealed competitive bids, which shall be publicly opened and read at the time and place specified in the notice of sale. The board may reject all bids and read-

vertise. No revenue bonds shall be sold for less than par, plus accrued interest, and no bonds shall bear interest at a rate in excess of six per cent (6%) per annum, interest payable semi-annually.

Section 27. Neither the Public Service Commission nor any other board, commission or agency of Kentucky shall, unless in the future expressly authorized, have any jurisdiction over such water district or municipality, operation, management and control of any water plant or water distribution system or appurtenances thereto, or any power or authority over the regulation of rates or charges.

Section 28. In the event that any part of this Act is declared unconstitutional or void, it shall not effect the constitutionality or validity of any of the other parts of this Act.

S. B. No. 160. AN ACT relating to condemnation for water supply by owner of real estate providing public sleeping accommodations and meals, and amending subsection (1) of Section 416.220 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 416.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The owner of real estate serving the public, providing sleeping accommodations and meals, when pure water is not available in adequate quantities, shall have the right to condemn on the banks of any navigable stream a tract of land not more than twenty feet square and above the high water mark for a pumping station site and a right-of-way for a pipe line from said site to the deep water of the navigable stream and from said pumping station site to the point on the owner's real estate where the water is desired for use. The said property owner may condemn a right-of-way for an electric power line over the most direct course to the pumping station site. In the event the owner of such real estate finds it more desirable to make connections with the water system of a municipality or a water supply line leading from a navigable stream to the municipality

or other source of supply, then said real estate owner may, at his option, condemn a right-of-way for a pipe line from said city water system or water supply line or other source of supply to the point on the owner's real estate where the water is desired for use, including such area as may be required to install and maintain pumps and meters for said water system and an electric line to conduct power to said pump with necessary electric control lines or apparatus. The owner of property condemning right-of-way for a water line under this Act, may agree to supply the subject owner a quantity of water in lieu of cash compensation for the easement, and such agreement to supply water to the subject property owner shall not be construed to place a burden on the condemning party to supply water service to others or meet the obligation of a public utility to render water service.

S. B. No. 192. AN ACT relating to marriage and amending Section 402.010 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 402.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) A man shall not marry his mother, grandmother, sister, daughter or granddaughter; the widow or divorced wife of his father, grandfather, son or grandson; the daughter, granddaughter mother or grandmother of his wife; the daughter or granddaughter of his brother or sister; or the sister of his father or mother. A woman shall not marry her father, grandfather, brother, son or grandson; the widower or divorced husband of her mother, grandmother, daughter or granddaughter; the son, grandson, father or grandfather of her husband; the son or grandson of her brother or sister; or the brother of her father or mother.

(2) If relationship is founded on marriage, the prohibition of subsection (1) shall continue notwithstanding the dissolution of the marriage by death or divorce, unless the divorce is for a cause that rendered the marriage originally illegal or void.

(3) This section includes illegitimate children and relatives.

(4) Marriages prohibited by this section are incestuous and void.

S. B. No. 195. AN ACT relating to child desertion.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 435.240 (3), paragraph (a) of the Kentucky Revised Statutes is hereby amended to read as follows:

(a) If a divorce has been granted by a court of competent jurisdiction, and thereafter the parent of any child under the age of sixteen years shall fail to comply with the orders of the court relative to the maintenance or support of the child as set forth in the judgment granting the divorce, while said child is in indigent or destitute circumstances, or if the parent having the custody of such child under the orders of the court shall abandon or desert the child, leaving said child in indigent or destitute circumstances, or if a parent not having the custody of the child shall take and carry away the child from the custody of the parent or other person to whom the custody of the child was awarded by the judgment of divorce, or by a subsequent order of the court amending the judgment, without the consent of the parent or other person having custody, the parent so doing shall be deemed guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one nor more than five years, provided that this paragraph shall apply only to judgments, decrees, or orders granted subsequently.

S. B. No. 226. AN ACT relating to the number of retail package liquor licenses and retail drink licenses permitted in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The number of retail package liquor licenses

issued by the Alcoholic Beverage Control Board to licensees in counties containing cities of the first class, and including such cities, shall not exceed a number equal to one for every one thousand five hundred persons resident in such city.

Section 2. The number of retail drink licenses issued by the Alcoholic Beverage Control Board to licensees in counties containing cities of the first class, and including such cities shall not exceed a number equal to one for every one thousand five hundred persons resident in such city.

Section 3. In order that a fixed and approved standard of population as prescribed in Sections 1 and 2 of this Act may be adopted the annual estimates of population as determined by chambers of commerce of first class cities shall be used in every year except a census year, and during a census year the United States Government census figures of population shall be controlling.

S. B. No. 227. AN ACT relating to location of retail package liquor and retail drink licenses in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The State Alcoholic Beverage Control Board shall, for the purpose of regulating the location of retail package liquor and retail drink licenses in cities of the first class, divide such cities into "down-town business areas" and "combination business and residential areas."

Section 2. No retail package liquor or retail drink license shall be granted or issued to any licensee who proposes to sell retail package liquor or liquor by the drink at a location within seven hundred feet of the location of any similar establishment in any combination business and residential area, nor shall such license be granted or issued to any licensee who proposes to operate at a location in a combination business and residential area within seven hundred feet of a similar establishment located in a down-town business area. This Act shall not affect location of such establishments in down-town business areas of such cities.

Section 3. The distance between location of similar establishments as prescribed by this Act shall be measured by following the shortest route of ordinary pedestrian travel along public thoroughfares from the nearest point of any present location of any such similar place of business to the nearest point of any proposed location of any such place of business. The measurement shall be taken from the entrance of the existing licensed premises to the entrance of any proposed location.

Section 4. The location of all establishments licensed to sell at retail distilled spirits by the package or by the drink, or both, on the effective date of this Act shall not be affected by the terms of this Act and this Act shall not apply to existing licensed locations or to the renewal of licenses therefor, or to transfers thereof. The distance limitation prescribed by this Act shall not affect any existing licensed location, nor the right of the owner thereof to renew or transfer the license for such location. The location of any such existing license shall not be transferred to a new location in violation of this Act, except that the location of any presently existing license or renewal thereof in case of destruction of property or loss of lease through failure of the landlord to renew such lease may be transferred to a location which is not closer than half the distance between the existing licensed premises and the nearest similar licensed premises.

S. B. No. 231. AN ACT relating to eggs and the marketing thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The functions assigned by the provisions of KRS 217.220, 217.240 and 217.250 to the Department of Health relating to egg marketing shall be transferred to and performed by the Department of Agriculture, Labor and Statistics. Any unexpended funds to the credit of the Department of Health for use in carrying out the provisions of KRS 217.220 to KRS 217.250 shall be transferred to the credit of the Department of Agriculture, Labor and Statistics for the same use.

Section 2. This Act shall become effective April 1, 1955.

S. Res. No. 43. A JOINT RESOLUTION inviting Senator John Sherman Cooper to address a joint session of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Senator John Sherman Cooper be, and he hereby is respectfully invited to address a Joint Session of the General Assembly of the Commonwealth of Kentucky.

Section 2. That the President of the Senate and the Speaker of the House shall each appoint three members of their respective bodies to constitute a committee, the chairman of which shall be selected by its members, to extend to Senator John Sherman Cooper an invitation to address a Joint Session of the General Assembly, and to fix the date and time for such a Joint Session.

Ordered that said bills and resolutions be printed and referred.

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 74. AN ACT relating to the National Guard of Ky.

H. B. No. 75. AN ACT relating to military law.

H. B. No. 70. AN ACT relating to the Department of Military Affairs and the Active Militia of Kentucky.

H. B. No. 199. AN ACT relating to sheriff's revenue bonds.

H. B. No. 201. AN ACT relating to excise taxation of amusement admissions.

H. B. No. 373. AN ACT relating to property taxation.

H. B. No. 296. AN ACT relating to the Youth Authority, etc.

H. B. No. 310. AN ACT relating to claims allowed by courts payable from State Treasury, etc.

H. B. No. 326. AN ACT relating to investments in real property by insurers.

H. B. No. 379. AN ACT relating to federal lands within the Commonwealth.

H. B. No. 308. AN ACT relating to airport zoning.

H. B. No. 240. AN ACT relating to narcotic drugs.

H. B. No. 281. AN ACT relating to the compensation of sheriffs in counties containing less than seventy-five thousand persons, etc.

H. B. No. 298. AN ACT relating to the Department of Finance.

H. B. No. 86. AN ACT relating to meetings of board of commissioners in cities of the second, third and fourth classes having city manager form of government, etc.

H. B. No. 177. AN ACT relating to births and deaths.

H. B. No. 206. AN ACT relating to state tuberculosis hospitals and the State Tuberculosis Hospital Commission.

Ordered that said bills be delivered to the enrolling clerk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 498. AN ACT relating to motor vehicle headlights, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.040 of the Kentucky Revised Statutes is hereby amended to read as follows:

1. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this section.

2. Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this section.

3. Except as hereinafter provided, the head lamps or the auxiliary driving lamps or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor driven cycle shall be so arranged that the driver may control the selection between distribution of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(c) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this State after January 1, 19 , which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

4. Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 189.030, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

5. Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of

light, or composite beam, so aimed that the glaring rays are not projected in to the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph 3(b) above shall be deemed to avoid glare at all times, regardless of road contour and loading.

6. Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this act other than the uppermost distribution of light specified in paragraph 3 (a) above.

7. Headlights arranged to provide a single distribution of light not supplemented by auxiliary driving lights shall be permitted on motor vehicles manufactured and sold prior to May 30, 1939, in lieu of multiple-beam road lighting equipment, if the single distribution of light complies with the following requirements and limitations:

(a) The headlights shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the light from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands, at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(c) Whenever the operator of a motor vehicle approaches an oncoming vehicle within five hundred feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. In no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.

8. Flashing lights are prohibited on all motor vehicles, except as a means for indicating a right or left turn. This subsec-

tion shall not apply to authorized emergency vehicles and wreckers.

9. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front. This subsection shall not apply to authorized emergency vehicles.

10. All wreckers when in use at the scene of a motor vehicle accident shall display at least one yellow flashing light clearly visible to all vehicles approaching the scene of the accident.

11. Bicycles need have only one light in front which will reveal clearly substantial objects at least fifty feet ahead.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 3, line 30, by adding the figures "56" following the figures "19".

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 2—On page 3, section 4, line 42, by deleting line 42 in its entirety and substituting in lieu thereof the following:

"vehicle, subject to the requirements and limitations hereinafter set forth."

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
Paul Cobb
R. Josh Cosby
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Chester J. Holsclaw
William M. Horn
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—66

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 402. AN ACT relating to insurance, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 136.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) All mutual companies other than life doing business under this law shall pay into the State Treasury on or before the first day of March in each year, a tax of two percent of all amounts paid to the company or its representative, whether designated as premiums or otherwise, for insurance or services incident thereto, including amounts paid for membership or policy dues or fees, on property or risks in this state during the preceding calendar year, including amounts received for reinsurance on Kentucky risks from unauthorized companies.

(2) In addition to the foregoing tax, mutual insurance companies and Lloyds insurers shall pay an annual tax as prescribed for stock insurance companies by KRS 136.360 and for like purposes.

(3) In computing premiums upon which tax is to be paid there shall be deducted, in both direct and reinsurance business, return premiums on cancelled policies and policies not taken, and dividends paid or credited to policyholders.

(4) The provisions of this section shall not apply to domestic mutual companies, cooperative or assessment fire insurance companies.

Section 2. Section 136.360 of the Kentucky Revised Statutes is amended to read as follows:

Every stock insurer other than life doing business in this state shall pay to the Commissioner of Insurance on or before the first day of March of each year, beginning March 1, 1955, for the purpose of defraying the expenses authorized by KRS Chapter 227, and KRS Chapter 304, three-fourths of one percent of all amounts paid to such insurance company or its representative, whether such payments are designated as premiums or otherwise, during the previous calendar year for fire insurance and that portion of the premium reasonably allocable to insurance against the hazard of fire included in other coverages other than life and disability insurances. In computing such amounts there shall be deducted amounts refunded on policies cancelled or not taken, and dividends paid or credited to policyholders. All amounts so collected shall be paid into the State Treasury, shall constitute a fund allocated for the use of the Commissioner of Insurance for the purpose above specified, and any portion of such fund not used during a calendar year shall be carried forward for subsequent such use.

Section 3. Section 136.370 of the Kentucky Revised Statutes is amended to read as follows:

Each attorney, for the exchange of reciprocal or interinsurance contracts, under KRS Chapter 304, shall pay into the State Treasury a tax of two percent of the gross premiums or deposits collected from subscribers in this state during the preceding calendar year, less all amounts returned to subscribers or credited to their account as savings. In addition, the attorney shall pay an annual premium tax of three-fourths of one percent of all amounts as prescribed for every stock insurer by and for the purposes specified in KRS 136.360.

Section 4. Section 304.463 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner shall promptly pay into the State Treasury all fees, licenses, and charges collected by him under the provisions of KRS 304.460. Such fees, licenses, and charges collected during calendar year 1956 and subsequent years shall comprise a fund allocated for the use of the commissioner in the administration of KRS Chapter 304, and any portion of such fund not used during a calendar year shall be carried forward for

subsequent such use. Notwithstanding any provision in the 1954-56 general appropriation act to the contrary, all fees and other receipts paid into the State Treasury during the calendar years 1954 and 1955 pursuant to the provisions of subsection 1 through 10 except 9 of KRS 304.460, are hereby appropriated to the commissioner for the fiscal years ending June 30, 1955, and June 30, 1956, respectively. If said fees and receipts paid into the State Treasury during the calendar year 1954 exceed $38,100, the excess shall be covered into the General Expenditure Fund. The appropriation of $65,000 made to the Department of Insurance for fiscal year 1955-56 by Part One of the 1954-56 general appropriation act is hereby repealed.

Section 5. The taxes provided for in sections 136.350, 136.360, and 136.370 shall be applied from January 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Clarence J. Barnum	Leo A. Bleemel
John Rhea Banton	Wallace Bartley	J. Murray Blue
	Owen Billington	J. C. Bradley

Edward T. Breathitt, Jr.
Edward O. Bridgers
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
David Heskamp
Henry R. Heyburn
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
Carl D. Melton
Robert K. Montgomery
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
—58

Those who voted in the negative were—

Albert Dempsey
Harold G. Helm
Lon C. Hill
James W. Lambert
Caleb McFadden
William E. Maglinger
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
E. H. Stumbo
James Treadway
Dr. Clyde D. Wooton
—13

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 403. AN ACT relating to the State Fire and Tornado Insurance Fund.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 56.100 of the Kentucky Revised Statutes is amended to read as follows:

Each fiscal year the State Treasurer shall deduct from any funds in his hands payable to an agency for the care and maintenace of public buildings or property, an amount equal to the premims certified to him as chargeable against that agency. The amount so debited shall be credited to an account kept by the State Treasurer and known as the State Fire and Tornado Insurance Fund. No premium shall be charged on any one subject of risk upon a valuation of more than two hundred thousand dollars unless the Division of Insurance has contracted for reinsurance that limits the liability of the fund to two hundred thousand dollars upon such subject of risk.

Section 2. Section 56.120 of the Kentucky Revised Statutes is amended to read as follows:

When the amount of damage has been determined, the State Treasurer shall debit the account of the State Fire and Tornado Insurance Fund by that amount and credit with an equal amount the account of the agency that has control or custody of the property damaged, and upon warrant from the Department of Finance the Treasurer shall pay to the agency the amount so credited to it, for the purpose of repairing the damage or reconstructing or replacing the damaged or destroyed property. If the agency deems it impracticable or undesirable to use the money for repair, reconstruction or replacement of the property damaged or destroyed, it may, with the approval of the Department of Finance, and subject to such powers of the State Property and Buildings Commission as set out in KRS 56.490, expend said funds for the acquisition, repair, construction or reconstruction of property similar to the property damaged or destroyed. No debit, credit, or payment made on account of the damage to any one subject of risk, by any one loss, shall be in excess of two hundred thousand dollars, unless the Division of Insurance has affected reinsurance upon the subject of risk such as to limit the liability of the State Fire and Tornado Insurance Fund to two hundred thousand dollars, and unless the excess over this amount

has actually been paid into the fund by the reinsuring company or companies.

Section 3. Section 56.160 of the Kentucky Revised Statutes is amended to read as follows:

With the approval of the Department of Finance, the Division of Insurance may contract with any responsible fire and tornado insurance or reinsurance company authorized to do business in Kentucky to reinsure any subject of risk of which the total valuation has been fixed at over two hundred thousand dollars in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such subject of risk to two hundred thousand dollars. The premium for reinsurance shall be paid out of the State Fire and Tornado Insurance Fund, on warrant of the Department of Finance.

Section 4. Section 56.180 of the Kentucky Revised Statutes is amended to read as follows:

If at the end of any fiscal year the moneys and securities to the credit of the State Fire and Tornado Insurance Fund exceed two million dollars, any such excess shall be available to the State Property and Buildings Commission for the purpose of improving conditions relating to life and fire safety in state properties. Allocations by the State Property and Buildings Commission shall be made on the basis of recommendations made pursuant to KRS 56.170 by the Commissioner of Insurance.

Mr. Billington moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold G. Helm	Thomas J. Murphy
Walter J. Bailey	David Heskamp	Foster Ockerman
Clarence J. Barnum	Henry R. Heyburn	Louis T. Peniston
Wallace Bartley	Chester J. Holsclaw	Edward D. Pollitte
Owen Billington	William M. Horn	Roger E. Qualls
Leo A. Bleemel	Jennings H. Kearby	Paul T. Ratcliffe
J. C. Bradley	Talmage Lacy	Jack Raybourne, Jr.
Edward T. Breathitt, Jr.	George H. Lovelace	L. M. Tipton Reed
William J. Conley	Harry King Lowman	Robert Reid
W. Marvin Davis	Shelby McCallum	Cecil C. Sanders
C. E. Dowell	Ralph E. McClanahan	W. R. Smith
Herbert Fern	William E. Maglinger	Mrs. Thelma L. Stovall
Thomas P. Fitzpatrick	Damon Majors	Eulick Walsh
Cabell D. Francis	William C. Mann	Will Tom Wathen
W. L. Hadden	George R. Martin	W. W. Webster
C. Ruby Harralson	Walter R. Moorman	T. D. Winstead
George F. Harris	Fred Morgan	Charles W. Wirsch
	Eddie J. Morris	Walker H. Wiseman
		—53

Those who voted in the negative were—

Charles W. Buchanan	Lon C. Hill	LeRoy Saylor
Harry M. Caudill	Estill R. Hilton	E. H. Stumbo
R. Josh Cosby	William J. Marcum	James Treadway
Albert Dempsey	Alton B. Mitchell	Dr. Clyde D. Wooton
		—12

Resolved that the title thereof be as aforesaid.

Mr. Billington moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 404. AN ACT relating to Deposits of Insurers.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.484 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Custodian of Insurance Securities shall be appointed by the Governor, in accordance with laws governing other executive appointments. He shall receive a salary of three hundred and fifty dollars per month, payable as are salaries of other employes of this state, but out of custodial expense funds provided by insurers pursuant to KRS 304.503.

(2) The custodian shall receive on his official capacity, all deposits made with him pursuant to this code.

(3) The custodian shall be available at all reasonable times in the branch office of the Department of Insurance maintained in a city of the first class.

Section 2. Section 304.503 of the Kentucky Revised Statutes is amended to read as follows:

(1) Insurers maintaining deposit of assets in this state under KRS 304.475 to 304.504 shall pay into the Treasury of the Commonwealth, through the office of the Commissioner of Insurance, six thousand dollars each calendar year, as a custodial expense fund. Such fund shall be used in paying the custodian's salary, the premium on his bond, and other necessary expenses incident to the office used by the custodian. The total gross annual expenses of the custodian's office shall not exceed such sum of six thousand dollars.

(2) The portion of such expense fund to be paid by each such insurer shall be in the same approximate proportion as the amount of the insurer's average deposit during the calendar year bears to the total such deposits of all insurers, as determined

by the commissioner. Each such insurer shall pay its share of such expense fund in monthly or other periodic installments as directed by the commissioner.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	William C. Mann
Walter J. Bailey	Thomas P. Fitzpatrick	Robert K. Montgomery
John Rhea Banton	Cabell D. Francis	Walter R. Moorman
Clarence J. Barnum	George F. Harris	Fred Morgan
Wallace Bartley	Henry R. Heyburn	Thomas J. Murphy
Charles E. Baumgardner, Sr.	Estill R. Hilton	Louis T. Peniston
Owen Billington	Chester J. Holsclaw	Edward D. Pollitte
Leo A. Bleemel	William M. Horn	Paul T. Ratcliffe
Edward O. Bridgers	William L. Jones	Jack Raybourne, Jr.
William J. Conley	Talmage Lacy	Cecil C. Sanders
R. Josh Cosby	Harry King Lowman	W. R. Smith
Vernor O. Cottengim	Shelby McCallum	Mrs. Thelma L. Stovall
W. Marvin Davis	Ralph E. McClanahan	Eulick Walsh
C. E. Dowell	Damon Majors	Will Tom Wathen

W. W. Webster	T. D. Winstead	Walker H. Wiseman
William B. Wells	Charles W. Wirsch	Paul E. Young

—48

Those who voted in the negative were—

J. Murray Blue	James W. Lambert	Goebel W. Newsom, Jr.
Charles W. Buchanan	Caleb McFadden	Roger E. Qualls
Charles W. Craig	William J. Marcum	LeRoy Saylor
Albert Dempsey	George R. Martin	E. H. Stumbo
O. O. Duncan	Carl D. Melton	James Treadway
Harold G. Helm	Alton B. Mitchell	Dr. Clyde D. Wooton
Lon C. Hill	Tom Mobley	
	Eddie J. Morris	

—21

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 321. AN ACT relating to airport boards and city-county air boards in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any airport board and the joint city-county air board of a city of the first class and the county containing such city may as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, add to and improve airports and airport facilities and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law the term "Governmental agency" means the board and the term "public project" means airports and airport facilities.

With Committee Substitute attached thereto as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any airport board or any joint city-county air board of a city of the first class and of the county containing such city may, as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, add to and improve airports and airport facilities and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law the term "governmental agency" means the board and the term "public project" means airports and airport facilities; provided, however, that no such bonds shall be issued by any joint city-county air board of a city of the first class and the county containing such city without prior written approval of the mayor of such city and the county judge of such county.

Mr. Lowman moved the adoption of the Committee Substitute to H. B. No. 321.

Said motion was agreed to.

Said Committee Substitute was adopted.

Mr. Lowman moved that H. B. No. 321 be laid on the Clerk's desk.

Said motion was agreed.

Said bill was laid on the Clerk's desk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 323. AN ACT relating to the disposition of persons convicted of crime in police courts in cities of the first and fourth classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 26.440 of the Kentucky Revised Statutes is amended to read as follows:

In cases of drunkenness or disorderly conduct, the police

courts in cities of the fourth class may, in addition to imposing a fine, require the offender to give bond in a sum not exceeding one thousand dollars to keep the peace or be of good behavior for any period not exceeding one year. If the offender fails to give bond or fails to pay the fine, he shall be immediately committed to the workhouse, station house or county jail and kept in custody until bond is given or the time for which it was required has expired, and until the fine is paid or satisfied by labor.

Section 2. Section 26.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided by law, any person against whom a fine is imposed upon conviction of a misdemeanor in the police court of a city of the first class, or who is arrested under a capias pro fine for a violation of an ordinance of a city of the first class, shall, unless discharged by authority of law or by payment of such fine, be committed to the workhouse or county jail and shall be there detained, until the fine against him is paid or satisfied by his earnings by compulsory work, in or out of the workhouse or county jail, at such wages as may be prescribed by statute or by ordinance.

(2) Except as otherwise provided by law, any person sentenced to imprisonment upon conviction of a misdemeanor in the police court of a city of the first class shall, unless discharged by authority of law, be committed to the workhouse or county jail and shall be there detained at hard labor in or out of the workhouse or county jail, if hard labor is imposed under subsection (3) of this section, until the sentence has been served.

(3) When imprisonment is imposed by the judge or jury in the police court of a city of the first class, the judge or jury may direct whether or not the imprisonment shall be at hard labor, unless the statute imposing the penalty specifically prohibits the exercise of such discretion.

(4) In cases of drunkenness or disorderly conduct, the police court of a city of the first class may, in addition to imposing a fine or imprisonment or both, require the offender upon conviction to give bond in a sum not exceeding one thou-

sand dollars to keep the peace or be of good behavior for any period not exceeding one year. If the offender fails to give bond, he shall be immediately committed to the workhouse or county jail and kept in custody until the bond is given or the time for which it was required has expired.

(5) The jailer, or sheriff performing the duties of a jailer, of any county jail to which prisoners are committed at hard labor or to satisfy fines by compulsory work under subsections (1) or (2) of this section, may, by agreement with the city of the first class, provide for the adequate care, supervision, guarding, discipline, maintenance, transportation and housing of such prisoners while performing work or labor for the city outside the jail.

(6) The procedure established by subsection (5) of this section for placing at work prisoners confined in county jails at hard labor is not intended to supersede other procedures otherwise prescribed by statute for the same purpose, but is intended as an additional or alternative method therefor.

Mrs. Stovall offered the following amendment and moved its adoption.

Amendment No. 1. On page 1, section 1, line 4, Delete present line 4 and add in lieu thereof the following "Courts in counties containing a city of the first and fourth class may, in addition to imposing"

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved that H. B. No. 323 be laid on the Clerk's desk.

Said motion was agreed to.

Ordered that said bill be laid on the Clerk's desk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 350. AN ACT relating to the establishment of public pounds for animals in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each city-county board of health created by KRS 212.350 shall establish, maintain and operate a public pound for animals in which, except as otherwise provided by law, shall be impounded all stray, vicious or diseased animals taken up or collected in such county, whether in incorporated or unincorporated areas, by any public officer or authority or by any other person. Each such board shall, throughout the county, including all municipalities therein, enforce all statutes, ordinances of cities, orders or resolutions of the fiscal court of the county and regulations of such board or any other governmental body or agency authorized to adopt such regulations, relating to the taking up, collection and impounding of stray, vicious or diseased animals. Each such board may promulgate and enforce reasonable and necessary rules and regulations providing for the collection and impounding of such animals and governing the use and operation of such public pounds.

Section 2. Subsection (1) of section 83.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department of public safety shall be under the supervision and direction of a director of safety, and shall have exclusive control, under the city ordinances, of all matters relating to the division of the police department and the division of the fire department, the inspector of weights and measures, and such other matters as are provided by statute or ordinance. It shall cause the lawful ordinances of the city to be enforced and, whenever consistent with its own rules and the requirements of law, it shall furnish all information desired.

Section 3. Subsection (4) of section 95.170 of the Kentucky Revised Statutes is amended to read as follows:

(4) All animals stolen, strayed or lost that come into the possession of the property clerk shall be sent to a public pound located within the county in which the city is located.

Mr. Lowman moved that H. B. No. 350 be laid on the Clerk's desk.

Said motion was agreed to.

Ordered that said bill be laid on the Clerk's desk.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion was agreed to.

The following bills were introduced and ordered printed and referred, viz:

By Mr. Kearby, Mr. Stumbo, Mr. Martin, Mr. Wiseman, Mr. Morris, Mr. Harralson, Mr. Bailey, Mr. Majors, Mr. Melton, Mr. Fitzpatrick, Mr. Dempsey, Mr. Weintraub, Mr. Williams, Mr. Mobley, Mr. Cobb, Mr. Heskamp, Mr. Bradley, Mr. Peniston, Mr. Morgan, Mr. Pollitte, Mr. Billington, Mr. Blue, Mr. Day, Mr. Reid, Mr. Everett, Mr. Hadden, Mr. Davis, Mr. Walsh, Mr. Heyburn, Mr. Conley, Mr. Anderson, Mr. McFadden, Mr. Lambert, Mr. Hill, Mr. Murphy, Mr. Banton, Mr. Young, Mr. Maglinger, Mr. H. Rayburn, Mr. Smith, Mr. Mitchell, Mr. Bartley, Mr. Montgomery, Mr. Reynolds, Mr. Taylor, Mrs. Wilson, Mr. Caudill, Mr. Lovelace, Mr. L. M. T. Reed, Mr. Marcum, Mr. Mann, Dr. Wooton, Mr. Webster, Mr. Barnum, Mrs. Stovall, Mr. McClanahan, Mr. Lacy, and Mr. Duncan.

H. B. No. 508. AN ACT relating to hunting and fishing licenses and fees therefor, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory paragraph and subsection (1) of Section 150.175 of the Kentucky Revised Statutes is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under such licenses and tags subject to the other provisions of this chapter and subject to regulations adopted under this chapter, are as follows:

(1) (a) A state-wide fishing license, which authorizes the holder thereof to take fish by angling, to take minnows by the use of a minnow seine, to take fish by grabbling, gigging and by noodling or tickling, and to take frogs from any waters

in any county of this state open for such purposes and subject to the limitations hereinafter set forth and such additional limitations as the department may from time to time prescribe;

(b) A county fishing license, which may be issued only to a resident of this state, which authorizes the holder thereof to take fish by angling, to take minnows by use of a minnow seine, and to take frogs from any waters open for such purposes, in the county only for which the license is issued.

Section 2. The introductory paragraph and subsection (2) of Section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(2) The fees for the licenses provided for in KRS 150.175 shall be as follows:

(a)	Fishing licenses	
	State-wide fishing license (resident)	$ 2.00
	State-wide fishing license (non-resident)	5.00
	County fishing license (resident only)	1.00
(b)	Ten-day fishing license (non-resident only)	2.00
(c)	Commercial fishing license (resident)	5.00
	Commercial fishing license (non-resident)	25.00
(d)	Ohio River fishing license (residents of Ohio, Indiana and Illinois only)	2.00
(e)	Ohio River commercial fishing license	5.00
(f)	Seine tag for each one hundred feet of seine or part thereof	
	Resident	2.00
	Non-resident (holder of Ohio River Commercial fishing license)	2.00
	Other non-residents	4.00
(g)	Hoop net tag (resident)	1.00
	Non-resident holder of Ohio River commercial fishing license	1.00
	Other non-residents	2.00
(h)	Snag line tag (resident)	1.00
	Non-resident holder of Ohio River commercial fishing license	1.00

	Other non-residents	2.00
(i)	Live bait dealer's license (resident only)	5.00
(j)	Musseling license (resident)	10.00
	Non-resident	30.00
(k)	State-wide hunting license (resident)	3.00
	Non-resident	15.50
(l)	Junior state-wide hunting license (resident only)	1.00
(m)	Trapping license (resident)	3.00
	Non-resident	15.50
(n)	Taxidermist's license (resident only)	3.00
(o)	Commercial guide's license (resident only)	5.00
(p)	Fur buyer's license	
	Resident	5.00
	Non-resident	75.00
(q)	Fur processor's license (resident only)	100.00

By Mr. Lambert, Mr. Buchanan, Mr. Marcum, Mr. Blue, Mr. Craig, Mr. Holt, Mr. Dempsey, Mr. Duncan and Mr. McFadden.

H. B. No. 509. AN ACT relating to claims against the estates of recipients of public assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 205.260 of the Kentucky Revised Statutes is amended to read as follows:

Upon the death of any person who has been paid public assistance as a needy aged or needy blind person, the state shall have a claim against the estate of the deceased for all amounts of public assistance paid to him or on his behalf; except that the first eighteen hundred dollars of the estate shall be exempt from such claim. The claim shall have priority over all unsecured claims against such estate except the burial expenses of the decedent, the cost of administration of his estate, and the cost of his last illness. The claim shall be filed against the estate of the deceased person in the same manner as other claims are filed against decedents' estates.